

**DOCUMENTS WITH THE CLERK'S OFFICE
BY THE END OF MONDAY, 10/9/06.
SECOND CHECK WILL BE POSTED
ON TUESDAY, 10/10/06.
**LATE-FILED SUPPLEMENTS WILL
LIKELY RESULT IN THE CONTINUANCE
OF YOUR CASE****

The Probate Examiners can be reached at ProbateNotes@courts.sbcounty.gov. Emails must have the case identification information and hearing time/date in the subject line. No attachments will be opened. Probate examiners can only respond to inquiries regarding the meaning of comments in the notes. **Please do not send emails to state that documents have been filed, to request a confirmation of whether documents have been received, or to request the clearing of notes.** No legal or procedural advice may be given.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 8:30 DEPT: S5P

CASE #: SPRSS07058

CASE NAME: ESTATE OF LARRY NEAL LAURIE

HEARING:

Petition for Probate, Letters of Tstmnty with full authority
under IAEA.

COUNSEL:

LEWIS LAURIE (PET)...PHILIPSON & ERDMIER
LARRY NEAL LAURIE (DEC)...

GENERAL INFORMATION:

Special letters of administration issued May 31, 2006. No bond required.

THIS MATTER IS SET FOR HEARING ON:

Petition for Probate of Will and for letters Testamentary with Full Authority under IAEA.

**Continued from 6/30/06 & 8/25/06 to clear notes. Last continued from 8/25/06 to file
declarations regarding destroyed will. Nothing new filed.**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Will waives bond.
2. The original will is apparently lost. Petitioner has attached a photocopy of the will. When a will is lost, and was last in the testator's possession, it is presumed that the testator destroyed the will with the intent to revoke it. P.r. C. § 6124. This presumption affects the burden of producing evidence and unless petitioner can overcome the presumption, no valid will exists.

RECOMMENDATION:

Court may wish to continue matter to allow petitioner an opportunity to respond to note 2.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 8:30 DEPT: S5P

CASE #: SPRSS50799

CASE NAME: ESTATE OF JAMES ELLIOTT

HEARING:
OSC re: SANCTIONS & SUSPENSION

COUNSEL:
SAMUEL JOHN ELLIOTT (PET)...PRO/PER
JAMES ELLIOTT (DEC)...

GENERAL INFORMATION:

This case is set for hearing re final discharge.

Continued from October 28, 2005, due to no appearance. Notice was to be given by clerk of new date. Nothing new filed.

Continued from 1/1/306 & 3/3/06. No appearance. Nothing new filed.

*****Last continued from 6/2/06 & 7/21/06, no appearance. Clerk mailed notice.**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Order for Final Distribution entered 10/22/04.
2. Declaration and Order for Final Discharge rejected by Probate Attorney 10/24/05. Need receipts and Declaration/Order that reflects County Recorder's information.

RECOMMENDATION:

Does court wish to impose sanctions. No bonding company to notice.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SCVSS253601

CASE NAME: BELAN ET AL -V- ST BERNARDINE MED CTR ET AL

HEARING:
Accounting Review

COUNSEL:

KIM LISA BLACK	(PLA)...HEALY & HEALY
MICHAEL BLACK	(PLA)...HEALY & HEALY
ST BERNARDINE MEDICAL CENTER (DEF)	...THOMPSON & COLEGATE
EDWARD DAINKO MD	(PATTERSON RITNER LOCKWOOD
ZANG)...PATTERSON	
NORMAN J GOLDBERG MD	(BONNE JONES BRIDGES MUELLER &
)...BONNE JON	
JOHN P KEARNEY MD	(BAKER SILBERBERG & KEENER)...BAKER SIL
SAMUEL SEPUYA MD	(TUVerson & HILLYARD)...TUVerson
CHITTIVELU SESHIAH	(JOHN D MCCURDY)...JOHN D MC

GENERAL INFORMATION:
13th Account is due for the period 7/1/05 – 6/30/06

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Accounting is not filed.

RECOMMENDATION:

Court must send written notice to conservator and attorney of record directing that the account be filed. Set hearing within 60 days. When an accounting is not filed as required the court shall take action as specified in Pr.C. 2620.2

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPASS5015

CASE NAME: ESTATE OF PAUL ZIEGLER

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:
RICHARD N LARSEN (PET)...HORSPOOL & PARKER
PAUL ZIEGLER (DEC)...

No file available for review.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPASS5016

CASE NAME: ESTATE OF REINMAR WECK

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

PUBLIC ADMINISTRATOR (PET)...HORSPOOL & PARKER
REINMAR WECK (DEC)...

GENERAL INFORMATION:

Letters of Special Administration issued 9/12/06

THIS CASE IS SET FOR HEARING ON Petition for Letters of Administration with full authority under IAEA

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner is an exempt government agency and no bond is required.
2. Petitioner alleges all heirs at law are residents of Germany and are not able to act as personal representative.
3. Need to file proof of service on German Consulate per Pr.C. §8113.
4. Need to file proof of publication.

RECOMMENDATION:

RFA subject to notes 3 & 4, no bond. Once approved, set hearing on the filing of the inventory & appraisal for 5/31/07. Set hearing on accounting review for 12/27/07. Accounting to be filed 30 days in advance.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS01679

CASE NAME: IN THE ESTATE OF BRIAN DANIEL EIDEN *AKA* DANNY

HEARING:
OSC re: SUSPENSION OF POWERS/SANCTIONS

COUNSEL:
BRIAN DANIEL EIDEN (DEC)...
JILL A EIDEN (PET)...MICHAEL J TORCHIA
LUCRETIA M IRVING (TP)...PRO/PER
MARGARET V. EIDEN ()...
STEVEN EIDEN ()...

GENERAL INFORMATION:

This matter is set for hearing on OSC re sanctions (was set at OSC re accounting review and OSC re status of bond).

At 2/10/06, 4/7/05, 6/23/06 & 7/21/06 OSC, no appearance and the court set this OSC re sanctions. It appears outstanding issues are defunct bond and petitioner's failure to file an accounting and/or status report.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters issued 1996 to Jill Eiden, decedent's former spouse, and mother of decedent's two children.
2. Decedent died in a car accident. He was the driver of the vehicle and his passenger, Linda Chatigny, was injured. She subsequently filed a civil action against the estate. (SCV32046.) Chatigny prevailed and a net judgment in the amount of \$110,000 was entered in her favor in late 1999.
3. The principal assets of the estate were 3 parcels of real property (two in Yucaipa and one in Anaheim) with a total value of \$265,000. Petitioner and her (and decedent's) children lived in one of the residences. Decedent's mother lived in the Anaheim residence. The third residence was apparently where decedent had resided prior to his death.

4. In 1998, decedent's mother filed a creditor's claim and lawsuit against the estate regarding the Anaheim property and her ownership interest therein. She claimed that the decedent had fraudulently taken title to the property.
5. All matters were eventually settled by stipulation.
 - a. The Anaheim property was conveyed to decedent's mother. Decedent's mother further agreed that she would take a loan on the property in the amount of \$55,000 to be utilized to help pay the Chatigny judgment. Furthermore, mother would write a will leaving one-third of the Anaheim property to decedent's children upon her death.
 - b. One of the Yucaipa properties was sold and proceeds in the amount of \$56,000 were given to Chatigny.
6. No order on the settlement has been filed.
7. No inventory and appraisal was ever filed.
8. No accounting was ever filed.
9. Bond was originally obtained in amount of \$6,000 through Highlands which is since defunct. No information on status of the bond. The Court may wish to order petitioner to post subsequent bond (since value of estate is unknown, court may wish to order minimum \$20,000 bond).
10. There is no information regarding the remaining assets in the estate and their disposition. No receipts have been filed.
11. Citation was personally served on Jill Eiden on 11/29/05.
12. **Court directed notice to the Public Administrator on 7/21/06. It is not clear whether notice was actually given.**

RECOMMENDATION:

Court may wish to suspend or remove representative and impose monetary sanctions. No bonding company to notice as bond is defunct.

San Bernardino Superior Court
CIVCAL4 San Bernardino District

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS03356

CASE NAME: THE AMPARO VALDIVIA SPECIAL NEEDS TRUST

HEARING:

SEVENTH Account and Report of MELODIE Z SCOTT and Petition for allowance of fees filed.

COUNSEL:

MELODIE Z SCOTT (TEE)...HORSPPOOL & PARKER

GENERAL INFORMATION:

Accounting covers period 4/1/05 – 3/31/06

Assets on hand: \$151,376.21 (of which \$13,466.65 is cash, annuity worth \$96,959.56, van worth \$37,350 and the balance in a preneed burial)

THIS CASE IS SET FOR HEARING ON 7th Account and Petition for Fees

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Need to file notice of hearing and proof of service.
2. Petitioner requests fees of \$6,260.25. Billed at various rates for various services not exceeding \$95/hour for a total of 106.95 hours. Itemized. JTD
3. Attorney requests fees of \$2, 320.00. Billed at \$250/hour for attorney time (6.8 hours) and \$100/hour for paralegal time (6.2 hours). The court does not generally allow more than \$75/hour for paralegal time. Does court wish to reduce fee request to \$2,165.00 (a reduction of \$155)? JTD
4. Petitioner requests that the bond of \$75,000 be reduced to \$50,000. From the current balance of liquid assets and annual income, giving credit for the fees requested above, bond should be reduced to \$61,000. JTD
5. On disbursements, there are various payments to Lance Riley for "property management" totaling \$181.25. Question what services Lance Riley is performing as there is no real property to manage? File verified supplement.

6. On 9/22/05, the trustee gifted the trust beneficiary's 1994 Dodge Ram Van to the beneficiary's mother. Question whether the trustee had prior court authority to gift the van? File verified supplement.

RECOMMENDATION:

Need notice and verified supplement.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS03496

CASE NAME: IN THE ESTATE OF MIROSLAV JUNG

HEARING:
OSC re: Sanction/Suspension

COUNSEL:
ALICE A JUNG (PET)...SHORE & WURM
MIROSLAV JUNG (DEC)...
JEFFREY M LOEB (TP)...LOEB & LOEB
DEPT. OF HEALTH SERVICES (PRO/PER)...PRO/PER

GENERAL INFORMATION:

This case is set for hearing on hearing re status report.

Continued from 1/20/0. No appearance.

Continued from 4/28/06. No appearance. Court found that a status report has not been filed re status of NY Federal District court litigation. Clerk mailed notice of continuance.

Continued from 7/14/06.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petition for probate granted 11/19/99.
2. Order approving fourth interim report of administration entered 1/7/05 and a 1/20/06 hearing for next status report was set.
3. The estate has no assets but is pursuing a claim in New York Federal District Court. Court should inquire re the status of that litigation.
4. On 8/24/06, executor filed status report stating that in the NY litigation, summary judgment has been denied, discovery is completing, a settlement conference is expected to be held in September or October, and trial will be in Spring 2007.

RECOMMENDATION:

Suggest court continue matter to a date in 6/07..

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS04149

CASE NAME: ESTATE OF HAROLD NESEN BROWNSON ET AL

HEARING:
Hearing Re: STATUS REPORT.

COUNSEL:
ROBERT G. BROWNSON (PET)...C.L. FARRELL
HAROLD NESEN BROWNSON (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Status Report
Letters of Administration issued 3/1/01

Continued from 2/10/06, 3/24/06, 6/2/06 and 7/21/06. Nothing new filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Need to file Notice of Hearing and proof of service that contains the Pr.C. 12201 language advising that recipients may petition for an accounting.
2. Petitioner alleges that the estate is not yet in a position to close until outstanding income tax matters for the years 1997-2005 have been resolved. In addition, the current administrator, Robert Brownson, has died and a successor administrator must be appointed to conclude the estate matters. Petitioner alleges a Petition for Successor Administrator will be filed by Robert Battle (however, not yet filed).

RECOMMENDATION:

Need to clear note 1 and then court's discretion. If approved, court to set next accounting review for 6/8/07. Accounting to be filed 30 days in advance.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS04851

CASE NAME: MTR RE GARY A MYERS

HEARING:
Hearing re Final Discharge

COUNSEL:
SANDRA L MAKOVSKY (PET)...HARTNELL HORSPOOL & FOX
GARY A MYERS (DEC)...
MARY L MYERS (TP)...PRO/PER
NAOMI LAURENCE (PRO/PER)...PRO/PER
JEANNIE ANDERSON (PRO/PER)...PRO/PER
FRANKLYN W MEYERS (PRO/PER)...PRO/PER

GENERAL INFORMATION:

This case is set for hearing re Final Discharge
Order for Final Distribution granted 12/19/03
Continued from 2/18/05 & 4/29/05 at request of Attorney Hartnell to resolve IRS issue.
Continued from 9/9/05. Nothing new filed.
Continued from 12/2/05 & 4/7/06 counsel requests continuance to submit order for final discharge. Nothing filed.

*****Last continued from 7/21/06 at request of counsel. Nothing new filed.**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Receipts are filed. Need to submit Order for Final Discharge.

RECOMMENDATION:

When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr.C. § 8505.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS04863

CASE NAME: ESTATE OF DOLORES A HOOVER

HEARING:

AMENDED FIRST Account and Report of ROBERT BROOD and Petition
for allowance of fees filed.

COUNSEL:

ROBERT BROOD	(PET)...YBARRONDO & PATTERSON
DOLORES A HOOVER	(DEC)...
MELANIE J JOYCE	(OBJ)...WALTER T. MOORE

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Amended first and final account and petition for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need notice of hearing and proof of service.
2. This is an amended accounting filed by successor trustee Robert Brood. The original accounting was filed 2/17/05 and was continue several times for objections. On 6/30/06, beneficiary Melanie Joyce filed objections to the original accounting. On 8/25/06, the matter was set for 11/16/06 trial. On 9/1/06 this amended accounting was filed. Amended accounting notes that objections to the original accounting would apply re whether certain trust amendments are valid. Suggest court confirm whether objections stand in light of amended accounting and set contested hearing accordingly. Perhaps amended accounting is intended to be litigated at the pending 11/16/06 trial.
3. Determination re whether trust amendments are valid would change distributions and required contributions for personal debts as set forth in amended accounting.
4. Petitioner and attorney each request \$42,723.11 fees based upon a calculation at statutory estate rates. In trust actions, however, trustees are normally

compensated a “reasonable” fee of 0.75%-1.0% and attys are compensated a “reasonable” amount based upon actual billing. Need verified supplement re ability to use statutory fee calculation in this setting.

5. Petitioner requests \$75,000 reserve for closing expenses based upon complications of trust and current conflict re beneficiaries. Amount seems very high. Question whether estate is ready to close if such large contingencies remain. Also would need verified supplement explaining (calculating) basis for high reserve.

RECOMMENDATION

Need to clear notes. Suggest court clarify application of previously-filed objections to this amended accounting.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS05762

CASE NAME: ESTATE OF ANNIE MAE JOHNSON

PAGES 12, 12A, AND 13 ARE SAME CASE. SEE PAGE 12 FOR ALL NOTES.

HEARING:

Petition for Letters of Admin. W/ Limited Authority under IAEA

COUNSEL:

MARY ANN SMITH (PET)...VON W ROBINSON
ANNIE MAE JOHNSON (DEC)...
ADVANCE INHERITANCE LLC (TP)...JAMES L LEESTMA

GENERAL INFORMATION:

Continued from 4/7/06. Nothing new filed.

THIS CASE IS SET FOR HEARING ON

- 1) Accounting Review
- 2) Petition for Removal of Personal Representative, Order Requiring Accounting, and for Reimbursement of Fees and Costs
- 3) Petition for Letters of Successor Administration, limited authority

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

Accounting Review

1. Letters of Administration issued to Mary Ann Smith 12/5/04
2. Accounting and/or Status Report is has not been filed by executor.

Petition for Removal of Personal Representative, Order Requiring Accounting, and for Reimbursement of Fees and Costs

1. Advance Inheritance, LLC (assignee of a portion of the estate) petitions for removal of administrator Marry Ann Smith on the basis that Smith is not meeting her duties to close the estate.

2. Accounting review hearings have been held 4/7/06 and 7/21/06.
3. Administrator and others interested in the estate received notice of hearing and a copy of the petition. Decedent apparently has six children and three grandchildren living.
4. No opposition filed as of date of review.

Petition for Letters of Successor Administration, Limited Authority

1. Advance Inheritance, LLC (assignee of a portion of the estate) petitions for appointment of attorney Alex Borden as successor administrator.
2. The court reaches this petition only if the petition for removal (above) is granted.
3. Petitioner requests minimum (\$20,000) bond. Limited authority is requested. Bondable estate is \$47,700 including \$40,000 personal property and \$7,700 income from personal property. Suggest \$48,000 bond.
4. Administrator and others interested in the estate received notice of hearing and a copy of the petition. Decedent apparently has six children and three grandchildren living.
5. No opposition filed as of date of review.
6. Need signed consent by attorney Alex Borden. (Consent form attached to petition is marked only "/s/."

RECOMMENDATION:

Accounting Review: When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq.

Petition for Removal: Court's discretion.

Petition for Successor Administration: The court reaches this petition only if it removes the current successor. If proceeding, need to clear notes.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS05762

CASE NAME: ESTATE OF ANNIE MAE JOHNSON

PAGES 12, 12A, AND 13 ARE SAME CASE. SEE PAGE 12 FOR ALL NOTES.

HEARING:
Accounting Review

COUNSEL:
MARY ANN SMITH (PET)...VON W ROBINSON
ANNIE MAE JOHNSON (DEC)...
ADVANCE INHERITANCE LLC (TP)...JAMES L LEESTMA

Superior Court of Calif, County of San Bernardino

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San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS05762

PAGES 12, 12A, AND 13 ARE SAME CASE. SEE PAGE 12 FOR ALL NOTES.

CASE NAME: ESTATE OF ANNIE MAE JOHNSON

HEARING:

Petition for REMOVAL OF PERSONAL REPRESENTATIVE -

COUNSEL:

MARY ANN SMITH (PET)...VON W ROBINSON
ANNIE MAE JOHNSON (DEC)...
ADVANCE INHERITANCE LLC (TP)...JAMES L LEESTMA

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS05801

CASE NAME: EST OF JOSE DAVID FLORES

HEARING:
Hearing re: STATUS

COUNSEL:
JOSE ERNESTO FLORES (PET)...BRYAN C. HARTNELL
JOSE DAVID FLORES (DEC)...
LIRIO MLADOSICH (TP)...NORMAN Y BLAZ
JOSE ERNESTO FLORES (HARTNELL LISTER & MOORE)...HARTNELL

GENERAL INFORMATION:
Letters of Administration issued 4/16/04 (full authority, no bond)

THIS CASE IS SET FOR HEARING ON
Status of Accounting/Status Report
**Continued from 7/21/06. Counsel indicated that status report was out for signature.
Nothing new filed.**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;
1. No accounting and/or status report is filed.

RECOMMENDATION:
When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS05802

CASE NAME: ESTATE OF PETER L. AUSTIN

HEARING:

SECOND AND FINAL Account and Report of RHONDA V. RAGLAND and
Petition for allowance of fees filed.

COUNSEL:

RHONDA V. RAGLAND (PET)...ERIC-DOUGLAS JOHNSON
PETER L. AUSTIN (DEC)...
SEJ INVESTMENTS, INC (TP)...JAMES W BIEDEBACH

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Second and final accounting and petition for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. I&A filed but no bank statements are filed. Was set for OSC for repeated failure to file.
2. On 9/8/06 the court heard administrator's first account. Probate notes stated that the filing was not a true accounting but instead just a shell that does not meet the requirements of the Probate Code (disbursements mixed with assets on hand, summary of account listed only assets on hand) and recommended that filing should be viewed only as a status report. That filing also noted that administrator indicated that the estate is not ready to close because of three "pending lawsuits" including a dispute in this action regarding proceeds from sale of real property, another action pending before the Court of Appeal re legal possession of decedent's real property, and a motion to set aside default in a separate estate action for another decedent. The filing also made a request for \$15,828 fee billing (not statutory fees) and probate notes indicated that attorney and petitioner are limited to statutory fees. Finally, probate notes indicated a troubling \$19,500 "emergency fund" distribution to administrator and well as

several other such distributions and other unexplained distributions. The court continued the matter to 10/20/06.

3. Administrator for files a second and final account, without explaining the above issues and without explaining why estate is now ready to close in light of issues above. Again, no meaningful summary of account is provided and none of the schedules are included (it is again a mere shell of an accounting). Court cannot reach/approve the final accounting without a real accounting including summary of accounting and required schedules per Pr.C. 1061 et seq.
4. Petitioner and attorney now make additional requests for statutory fees (\$7,400) and extraordinary fees (\$1,000) without calculation or support. Cannot reach without calculation of statutory fees and support (itemized billing) for any extraordinary fee requests.

RECOMMENDATION

Suggest court continue this matter to meet the “first accounting” and require preparation of a real accounting per statutory requirements.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS05963

CASE NAME: ESTATE OF WILLIE ANDERSON

VACATED – FINAL I&A FILED

HEARING:
OSC re: Sanctions and Suspension of Executor

COUNSEL:
JERRY L ANDERSON (PET)...PRO/PER
WILLIE ANDERSON (DEC)...

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06143

CASE NAME: ESTATE OF YSIDRO A GONZALES

HEARING:
Hearing re Final Discharge

COUNSEL:
REUBEN GONZALES (PET)...SHORE & WURM
YSIDRO A GONZALES (DEC)...

GENERAL INFORMATION:
Order for Final Distribution entered 5/6/05

THIS CASE IS SET FOR HEARING ON
Final discharge

**Continued from 5/19/06. No appearance. Clerk mailed notice of continuance.
Continued from 8/11/06 at request of counsel.**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. No receipts and/or final discharge declaration/order has been
filed/submitted.

RECOMMENDATION:

When receipts or final discharge order are not filed as ordered, court may set a hearing in
accord with Pr.C. § 8505.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06195

CASE NAME: MTR OF JOHN VINCENT WEINDLER

HEARING:

FIRST AND FINAL Account and Report of MARY C WEINDLER and
Petition for allowance of fees filed.

COUNSEL:

VIVIAN MARIE BRIDGEWATER (PET)...JAMES BANKS JR
JOHN VINCENT WEINDLER (DEC)...
MARY C WEINDLER (SA)...ALTHOUSE & MCDONOUGH
VIVIAN BRIDGEWATER (TP)...BANKS AND STRATHMAN

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition for final distribution upon waiver of accounting and for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of administration with will annexed issued 5/11/05.
2. Need accounting waivers from heirs.
3. Petitioner alleges that decedent did not receive services from Dept. of Health Services but no allegation is made re whether decedent had a predeceased spouse who received such benefits. Also, petitioner alleges that a clearance letter from DHS will be presented, but no such letter is filed. Need verified supplement.
4. Proposed distribution is per a settlement agreement reached by the heirs. Petitioner requests approval of settlement agreement and resulting distribution. Appears ok.
5. Petitioner waives compensation.
6. Attorney requests \$13,045.29 compensation. Calculated. Ok.

7. Attorney requests \$3,641 extraordinary compensation. Itemized, based upon 14.9 hrs at \$240-250/hr. For negotiation/settlement of heirship controversy and obtaining loan to provide cash proceeds with which to settle case. JTD.
8. Graduated Filing Fee Schedule indicates an additional \$100 filing fee due. Need receipt for same.
9. Estate contains real property to be distributed. Proposed Order must contain addresses of beneficiaries. Need corrected Proposed Order. Local Rule 907(c).

RECOMMENDATION

Need to clear notes.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06267

CASE NAME: EST OF ALTA PATTON

HEARING:
Accounting Review

COUNSEL:
LAWRENCE A DEAN II (PET)...KARIN HORSPOOL
ALTA PATTON (DEC)...
KATHRYN G MCFADGEN (TP)...JOHN W CRAWFORD
RONALD W ASK (PRO/PER)...PRO/PER
GARY W PATTON (PRO/PER)...PRO/PER

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON
1ST & Final Account and Petition for Final Distribution

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. **At 4/14/06 hearing on accounting, counsel stated amended accounting to be filed. Matter continued. At 7/21/06 hearing, counsel stated that accounting is being reviewed by Lawrence Dean. Matter continued to current 10/13/06 date. No amended accounting ever filed. Notes re original accounting carried forth below.**
2. Petitioner alleges no claims have been filed against the estate. However, a claim was filed by Attorney Ronald Ask in the amount of \$1,356.50 on 2/3/05. Question the status of this claim? File verified supplement.
3. Petitioner requests statutory compensation of \$4,248.96. Ok.
4. Attorney requests statutory fees of \$4,248.96. Ok.
5. Petitioner requests authority to withhold the sum of \$1,000 for closing costs and any tax liability. Ok

6. **Gary Patton, beneficiary in pro per, has filed what appear to be objections to accounting (even though improperly filed on a Notice of Proposed Action form). Suggest court et for contested hearing.**
7. **Kathryn McFadgen, a beneficiary, has filed objections to accounting.**

RECOMMENDATION:

Inquire whether there will be an amended accounting. If not, set for contested hearing.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06290

CASE NAME: MTR OF ANTHONY OCCHINO

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
JUDITH M GREENWOOD (PET)...BRIAN J SIMPSON
ANTHONY OCCHINO (DEC)...
VIRGINIA OCCHINO (TP)...JACK B OSBORN

No file available for review.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06472

CASE NAME: MTR OF ANTONIA SHARP

HEARING:
FIRST AND FINAL Account and Report of STEVE GILDEA and Petition
for allowance of fees filed.

COUNSEL:
STEVE GILDEA (PET)...BRUNICK MCELHANEY & BECKETT
ANTONIA SHARP (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
First and final account and petition for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of administration issued 7/1/05.
2. Petitioner and attorney each request \$17,300.97 statutory compensation/fees. Calculated. Ok.
3. Attorney requests reimbursement of \$594.46 costs advanced. Itemized. Ok.
4. Graduated Filing Fee Schedule shows \$110 additional filing fee due. Need receipt for same.
5. Need notice of hearing and proof of service.

RECOMMENDATION

RFA subject to notes 4 and 5. If approved, set hearing re receipts and final discharge for 10/18/07.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06529

CASE NAME: MTR OF ELAINE THERESA WYATT

HEARING:

PTN FOR FINAL DIST AND WAIVER OF Account and Report of JOANNE
WOODFORD and Petition for allowance of fees filed.

COUNSEL:

JOANNE WOODFORD (PET)...LAW OFFICES OF KEITH S. KNOCHE
ELAINE THERESA WYATT (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition for final distribution upon waiver of account and for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need notice of hearing and proof of service.
2. Petitioner states that all shares of stock in the estate to herself and her husband. Need verified supplement supporting finding that this meets the limitations of preliminary distributions per IAEA.
3. Personal property was left to petitioner and another family member (Mary Bushong) but petitioner apparently seeks distribution to Mary's husband per based upon filing of Mary's will. Would need support per Local Rule 907(d) and Pr.C. 13100 et seq. Moreover, distribution to husband is ultimately not set forth. Need verified supplement correcting/supporting.
4. If petitioner is not the sole heir (see issues above), would need waiver of accounting from other beneficiary (potentially the representative of Mary Bushong's estate).
5. Attorney requests \$13,338.35 statutory fee. Calculated. Ok.
6. Need Graduated Filing Fee Schedule per CRC Rule 7.552 even upon waiver of accounting.

RECOMMENDATION
Need to clear notes.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06595

CASE NAME: MARY JANE CARTER TRUST

HEARING:

Petition for SECOND PETITION TO DETERMINE WHETHER ACTION VIOLATES A NO-CONTEST CLAUSE

COUNSEL:

JAMES CRISS CARTER (PET)...JOHN M RAGER

Continued from 9/8/06 to allow attorney Nelms to respond. Amended creditor's claims to be filed. Nothing new filed.

See Confidential Bench Memorandum.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06657

CASE NAME: ESTATE OF LEROY BRAMAN

HEARING:
Petition for FOR SUBSTITUTION OF TRUSTEE AND TO QUIET TITLE -

	COUNSEL:
TODD BRAMAN	(PET)...A. MERLE SESSIONS
LEROY BRAMAN	(DEC)...

No file available for review.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06702

CASE NAME: MTR OF DAVID J PATTERSON

HEARING:

FIRST AND FINAL Account and Report of NANCY A DEERING and
Petition for allowance of fees filed.

COUNSEL:

NANCY A DEERING (PET)...VICTORIA VALVO SHEA
DAVID J PATTERSON (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition for final distribution on waiver of account and for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of administration issued 12/21/05.
2. Sole heir waives accounting.
3. Petitioner requests \$471.50 reimbursement for costs advanced. Itemized.
Includes \$80.45 postage that is not ordinarily recoverable (is administrative overhead). Local Rule 909. If disallowed, total would be \$391.05.
4. Petitioner and attorney each request \$9,822.64 statutory compensation/fees.
Calculated. Ok.
5. Need notice of hearing and proof of service.

RECOMMENDATION

RFA subject to note 5 and court's determination re reimbursement. If approved, set
hearing on receipts and final discharge for 10/18/06.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06712

CASE NAME: MTR OF EDWIN GROWE

HEARING:

FIRST AND FINAL Account and Report of CHRISTIE DAVIDSON and
Petition for allowance of fees filed.

COUNSEL:

CHRISTIE DAVIDSON (PET)...SHERRI L KASTILAHN
EDWIN F GROWE (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

First and final account and petition for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of special administration issued 10/05, general administration 12/05.
2. Petitioner requests authority to pay \$996.47 of \$1,045 claim by American Medical Response (and to deny remainder of claim) based upon fact claim was filed with court but not served upon administrator. Appears ok.
3. Petitioner and attorney each request \$7,169.41 statutory compensation. Calculated. Ok.
4. Attorney requests \$388 reimbursement for costs advanced. Itemized. Ok.
5. Need notice of hearing and proof of service.
6. Need copies of bank statements per Local Rule 908.
7. Need Graduated Filing Fee Schedule per CRC Rule 7.552.
8. No Proposed Order filed. Please file same.

RECOMMENDATION

Need to clear notes.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06728

CASE NAME: MTR OF VINCENT ALEMAN JR

HEARING:

PTN FOR FINAL DIST AND WAIVER Account and Report of GLORIA M
GUTIERREZ and Petition for allowance of fees filed.

COUNSEL:

GLORIA M GUTIERREZ (PET)...WILLIAM M NASSAR & ASSOCIATES
VINCENT ALEMAN JR (DEC)...
DEPARTMENT OF HEALTH SERVICES (TP)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition for final on waiver of account and for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters of administration issued 12/29/05.
2. All four heirs waive accounting.
3. Petitioner waives compensation.
4. Attorney requests \$5,950 statutory fees. Calculated. Ok.
5. Need notice of hearing and proof of service.
6. Estate contains real property and proposed order does not state the distributees' addresses as required by Local Rule 907(c). Need new proposed order.

RECOMMENDATION

RFA subject to note 5 and court's determination re reimbursement. If approved, set hearing on receipts and final discharge for 10/18/06.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06753

CASE NAME: ESTATE OF ARNO JORDAN

HEARING:
Petition for FINAL DISTRIBUTION ON WAIVER OF ACCOUNTING -

	COUNSEL:
PERRY JORDAN	(PET)...PRO/PER
ARNO JORDAN	(DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Petition for final distribution upon waiver of account.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petition for probate granted 12/23/05.
2. Both beneficiaries waive accounting.
3. Petitioner waives compensation.
4. No attorney involved for fees.
5. Need notice of hearing and proof of service fro Gary Jordan.
6. Petition shows that one beneficiary is in state prison. Need proof of service for Victim Compensation Board (or waiver from same) and continuance of hearing to allow time for any potential claim by Board.
7. Estate contains real property to be distributed. Proposed Order must contain addresses of beneficiaries and legal description of property. Need corrected Proposed Order. Local Rule 907(c).
8. Need verification for petition.

RECOMMENDATION
Need to clear notes.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06829

CASE NAME: EST OF DOROTHY MAE JOHNSON

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
BRAD L JOHNSON (PET)...BRIAN R. BRANDLIN
DOROTHY MAE JOHNSON (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Hearing re I&A.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petition for probate granted 3/10/06, no bond.
2. No I&A filed. Need same.

RECOMMENDATION

When an inventory and appraisal is not filed as ordered, court may set hearing in accord with Pr. C. §§ 8804 and 8505.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06834

CASE NAME: EST OF FLORAMAE SCHWIDER

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:

ALFRED W SCHWIDER (PET)...PRO/PER
FLORAMAE SCHWIDER (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Hearing re I&A.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petition for probate granted 3/10/06, no bond.
2. Final I&A filed but need bank statements per Local Rule 908.

RECOMMENDATION

When an inventory and appraisal is not filed as ordered, court may set hearing in accord with Pr. C. §§ 8804 and 8505.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06835

CASE NAME: EST OF MATILDE C MARTINEZ

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
LETICIA AGUILAR (PET)...NATHAN LOFTIN
MATILDE C MARTINEZ (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Hearing re I&A.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petition for probate granted 3/10/06, no bond.
2. No I&A filed. Need same.

RECOMMENDATION

When an inventory and appraisal is not filed as ordered, court may set hearing in accord with Pr. C. §§ 8804 and 8505.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06848

CASE NAME: THE JOY ELIZABETH BARNES LIVING TRUST

HEARING:
Hearing Re: FIRST AND FINAL ACCOUNTING.

COUNSEL:

ROBERT LEEDOM	(PET)...ALAN L ROSEN
CONNIE D WHITE	(PET)...ALAN L ROSEN
RICHARD LEEDOM	(PET)...ALAN L ROSEN
LARRY LEEDOM	(PET)...ALAN L ROSEN
PAMELA D FAIR	(PET)...ALAN L ROSEN
DOUGLAS FAIR	(PET)...ALAN L ROSEN
H. J. WHITWORTH	(STE)...D. HERSHEL W ILSON

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
First and final accounting and petition for fees.
Continued from 7/14/06 for purposes of discovery.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Living trust established in 1998. Trustor died in 2005 and petitioner became successor trustee.
2. Assets on hand \$134,788.92.
3. Petitioner requests \$1,673.65 as "reasonable compensation." Tasks generally described but no task itemization/billing provided. JTD.
4. Petitioner requests \$5,000 reserve for closing expenses. Ok.
5. Need copies of bank/investment statements per Local Rule 908.
6. No proposed order was filed.

RECOMMENDATION

RFA subject to notes 5 and 6. If approved, set hearing on receipts and final discharge for 7/20/07.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06880

CASE NAME: EST OF CRAIG MICHAEL BRUMETT

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
EARL A. BRUMETT JR (PET)...HORSPOOL & PARKER
CRAIG MICHAEL BRUMETT (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Hearing re I&A.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petition for probate granted 3/10/06, \$34,000 bond.
2. No I&A filed. Need same.
3. Suggest court notice bonding company of continued hearings.

RECOMMENDATION

When an inventory and appraisal is not filed as ordered, court may set hearing in accord with Pr. C. §§ 8804 and 8505.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06885

CASE NAME: MTR OF BARBARA A BROWN

VACATED – FINAL I&A FILED

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
STEVEN RICHARD BROWN (PET)...PRO/PER
KENT ROBERT BROWN (PET)...PRO/PER
BARBARA A BROWN (DEC)...

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06886

CASE NAME: EST OF HOWARD L WILLIAMS

VACATED – FINAL I&A FILED

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
DORIS CARLISLE (PET)...BARBARA S SHIFF
HOWARD L WILLIAMS (DEC)...

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06887

CASE NAME: EST OF LOUISE G. WORTHING

VACATED – FINAL I&A FILED

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
LARRY MATTHEWSON (PET)...AMY YORK GARRETT
LOUISE G. WORTHING (DEC)...

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06889

CASE NAME: MTR OF RUTH ANN COLEMAN

VACATED – FINAL I&A FILED

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
MIASHIA U COLEMAN (PET)...PRO/PER
RUTH ANN COLEMAN (DEC)...

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06891

CASE NAME: MTR RE JOHN JOSEPH FINCH

PAGES 38 AND 39 ARE SAME CASE

HEARING:

FIRST AND FINAL Account and Report of KATHLEEN M MCCALMON and
Petition for allowance of fees filed.

COUNSEL:

KATHLEEN M MCCALMON (PET)...PRO/PER
WILLIAM A MCCALMON (PET)...PRO/PER
JOHN JOSEPH FINCH (DEC)...
BERRY J GRANT (OBJ)...WALKER WRIGHT TYLER & WARD LLP

GENERAL INFORMATION

Disclosure: Co-petitioner, Kathleen McCalmon, is the probate attorney for the Victorville district of this court.

THIS CASE IS SET FOR HEARING ON

Petition for final distribution on waiver of account and for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Letters testamentary issued 3/10/06.
2. Will directs executors to place proceeds of liquidated assets in trust, with interest to be paid to life beneficiary Marie McCalmon. Upon her death, corpus to distribute to four beneficiaries. Marie has signed a disclaimer of \$100,000 of the estate, allowing that amount to pass to the four beneficiaries.
3. Co-executors are also co-trustees of the trust that would receive the residual distribution. Co-petitioners waive accounting.
4. Petitioners request \$13,554.62 statutory compensation (to be shared equally). Calculated. Ok.
5. Petitioners request \$5,000 reserve for closing expenses. Ok.

RECOMMENDATION

RFA. If approved, set hearing re receipts and final discharge for 10/18/07.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06891

CASE NAME: MTR RE JOHN JOSEPH FINCH

VACATED – FINAL I&A FILED

PAGES 38 AND 39 ARE SAME CASE

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
KATHLEEN M MCCALMON (PET)...PRO/PER
WILLIAM A MCCALMON (PET)...PRO/PER
JOHN JOSEPH FINCH (DEC)...
BERRY J GRANT (OBJ)...WALKER WRIGHT TYLER & WARD LLP

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06893

CASE NAME: EST OF SARA J CARLOS

VACATED – FINAL I&A FILED

HEARING:
Hearing re: Inventory and appraisal

	COUNSEL:
ELENA SKIDMORE	(PET)...ELISABETH KEMPE-OLINGER
SARA J CARLOS	(DEC)...

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS06894

CASE NAME: MTR OF JESSIE G DORADO

VACATED – FINAL I&A FILED

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
ALFRED G DORADO JR (PET)...JAMES B CHURCH & ASSOCIATES
JESSIE G DORADO (DEC)...

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS07005

CASE NAME: MTR OF JACK LESLIE SIMMONS

HEARING:
Petition for FOR INSTRUCTION PROBATE

COUNSEL:
DOROTHY M DIXON (PET)...DUANE P BOOTH
BETTY J GRANT (OBJ)...WALKER WRIGHT TYLER & WARD LLP
OTIS GRANT (PRO/PER)...PRO/PER

GENERAL INFORMATION:

THIS MATTER IS SET FOR HEARING ON:
Petition for Instructions
Continued from 5/19/06 and 7/21/06.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Decedent/settlor purchased a 100% interest in the subject property in 1973. Willie May Grant was added as a joint tenant in 1977. In 2000, a full reconveyance deed was recorded for the payment of a deed of trust that was allegedly paid off in 1995. Upon creation of decedent's trust in 2002, decedent attached a copy of the 1977 deed as evidence of the property to be added to the trust corpus. The property was never deeded into the trust. Decedent died in September 2002.
2. Petitioner (Dorothy Dixon) is trustee and sole beneficiary of decedent's living trust. She seeks a determination that the entire subject real property is a trust asset on the basis that 50% of the property came to the trust via evidence of intent for the property to be a trust asset –the "Exhibit A" attachment of the deed to the trust instrument (per Heggstad). Petitioner alleges that the other 50% of

the property should be determined to be a trust asset because Willie May Grant (owner of the other 50%) attempted to quitclaim deed her interest in the property directly to petitioner in 2003 but that the quitclaim deed was not recorded because it was not dated or notarized.

3. Need notice of hearing and 30 days proof of personal service upon decedent's heirs and Willie May Grant's heirs (or waivers). P.r. C. § 17203(b).

Supplement filed: Petitioner does not know of any other heirs of Jack Leslie Simmons or Willie Mae Grant.

4. Need P&As re ability to use copy of deed as Exhibit A supporting a Heggstad petition to acquire the first 50% of the subject property. **Supp: Filed. To be determined at contested hearing.**
5. Need P&As re ability to use a 17200 petition to acquire the second 50% of the property via an undated/un-notarized quitclaim deed (e.g., not a trust issue, especially in light of fact that this 50% interest was severed to Grant upon deeding to trust by decedent; appears to be a separate quite title action; invalid quitclaim deed from grant for second 50% was to petitioner individually and not to trust yet petitioner seeks confirmation of both halves of the property to the trust.) **Supp: Filed. To be determined at contested hearing.**
6. **Objections filed by Betty Grant (administrator).**
7. **Objections filed by Otis Grant (relationship unknown).**

RECOMMENDATION:

Set for contested hearing.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS07086

CASE NAME: ESTATE OF JOEL ALVIN STEIN

HEARING:

PETITION FOR LETTERS OF ADMINISTRATION W/WA W/FULL AUTHORITY

COUNSEL:

JOHN SARLI	(PET)...GUAY P WILSON
JOEL ALVIN STEIN	(DEC)...
RUI WANG STEIN	(PET)...WALTER T. MOORE
ARMIDA KIM	(PET)...HARTNELL LISTER & MOORE

GENERAL INFORMATION

Special administration granted to John Sarli (non-relative) 6/12/06.

John Sarli resigned and successor special administration granted to Rui Wang Stein (surviving spouse) 8/10/06.

Rui Wang Stein withdrew and successor special administration granted to Armida Kim (relationship unknown) 9/7/06, \$20,000 bond. Rui Wang Stein nominated Armida Kim.

THIS CASE IS SET FOR HEARING ON

Petition for letters of administration with will annexed, limited authority.

Only the petition of Armida Kim proceeds.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need proof of publication.
2. Need notice of petition to administer and proof of service.
3. Need proof of holographic will.
4. Petitioner is not listed in section 9 of petition (and therefore relationship of petitioner to decedent is unknown). Need verified supplement.
5. Rui Wang Stein (surviving spouse/sole beneficiary) nominated petitioner and waives bond. Also, main asset is \$160,000 real property (plus \$1,000 personal property) and petitioner requests limited authority. Petitioner is a CA resident.

RECOMMENDATION

Need to clear notes.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS07123

CASE NAME: ESTATE OF MARJORIE BARBARA ZINK

HEARING:

Petition for Probate, Letters of Tstmnty with full authority
under IAEA.

COUNSEL:

DIANA FOSTER (GP)...CLAYTON R WEED
MARJORIE BARBARA ZINK (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition for letters testamentary, full authority.

Continued from 8/4/06.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need notice of petition to administer and proof of service.
2. Will waives bond. Petitioner is a CA resident.
3. Jody Smith and the trustee of decedent's living trust (both named in will) must be listed in Section 9 of petition and must receive notice. Need verified supplement.
4. Will is only signed by one witness. Need Memo of P&As re ability to probate will.

RECOMMENDATION

Need to clear notes.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS07179

CASE NAME: EST OF BARBARA CARTWRIGHT

HEARING:
Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:
WORLDWIDE ASSET PURCHASING LLC(PET)...RORY W CLARK
BARBARA CARTWRIGHT (DEC)...
RUTH L HENRICKS (PET)...HARTNELL LISTER & MOORE

No file available for review.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS07226

CASE NAME: ESTATE OF FELTON F. JORDAN

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

CAROLYN NETHERTON (PET)...FRANK PRAINITO
FELTON F. JORDAN (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition for letters of administration, full authority.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need proof of publication.
2. Petitioner requests no bond on basis all monies to be deposited into attorney's blocked account. Estate is \$201,000 personal property. Petitioner is a KY resident. Suggest at least minimum (\$20,000) bond and require deposit to attorney account.

RECOMMENDATION

RFA subject to note 1 and court's determination re bond. If approved, set hearing on inventory & appraisal for 5/31/07. Set accounting review for 12/27/07. Accounting to be filed 30 days prior. Note local rule re filing bank/investment statements.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS07227

CASE NAME: ESTATE OF LILLIE LOUISE LEWIS

HEARING:
Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:
CHARLES LEWIS (PET)...FRANK PRAINITO
LILLIE LOUISE LEWIS (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Petition for letters of administration, full authority.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need proof of publication.
2. Petitioner requests no bond on basis all monies to be deposited into attorney's blocked account. Estate is \$400,000 real property. Heirs are spouse and seven issue. Suggest at least minimum (\$20,000) bond and require deposit to attorney account.

RECOMMENDATION

RFA subject to note 1 and court's determination re bond. If approved, set hearing on inventory & appraisal for 5/31/07. Set accounting review for 12/27/07. Accounting to be filed 30 days prior. Note local rule re filing bank/investment statements.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS07229

CASE NAME: ESTATE OF ELLA MAE PADGETT

HEARING:

Petition for Letters of Admin. W/ Full Authority under IAEA.

COUNSEL:

DIANE D. HARKISON (PET)...M DANIEL SAYLOR
ELLA MAE PADGETT (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition for letters of administration, full authority.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need proof of publication.
2. Petitioner was decedent's conservator and is nominated by sole heir.
3. Petitioner requests \$310,000 bond based upon \$304,000 estate value and income.
Appears ok.

RECOMMENDATION

RFA subject to note 1, \$310,000 bond. If approved, set hearing on inventory & appraisal for 5/31/07. Set accounting review for 12/27/07. Accounting to be filed 30 days prior.
Note local rule re filing bank/investment statements.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS07230

CASE NAME: ESTATE OF ROBERT SPOR LAWRENCE

HEARING:

Petition for Probate, Letters of Tstmntary with full authority
under IAEA.

COUNSEL:

CHRISTINE M. DIAS (PET)...WILLIAM M NASSAR & ASSOCIATES
ROBERT SPOR LAWRENCE (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition for letters testmanetary, full authority.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need proof of publication.
2. Need notice of petition to administer and proof of service.
3. Will waives bond. Petitioner is a CA resident.

RECOMMENDATION

RFA subject to notes 1 and 2, no bond. If approved, set hearing on inventory & appraisal
for 5/31/07. Set accounting review for 12/27/07. Accounting to be filed 30 days prior.
Note local rule re filing bank/investment statements.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS07231

CASE NAME: ESTATE OF EDWARD MAURICE BROWN

HEARING:
PETITION FOR LETTERS OF ADMINISTRATION W/WA W/FULL AUTHORITY
UNDER IAEA.

COUNSEL:
TIA SCOTT (PET)...HARTNELL LISTER & MOORE
EDWARD MAURICE BROWN (DEC)...

GENERAL INFORMATION

Special administration granted 9/7/06, no bond.

THIS CASE IS SET FOR HEARING ON
Petition for letters testamentary, full authority.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need proof of publication.
2. Will waives bond. Petitioner is a CA resident.
3. For purposes of filing fee, petitioner estimated estate as less than \$250,000 yet value of estate is later stated as \$250,000. Need receipt for payment of incremental filing fee corresponding to estate value \$250,000-\$500,000.

RECOMMENDATION

RFA subject to notes 1 and 3, no bond. If approved, set hearing on inventory & appraisal for 5/31/07. Set accounting review for 12/27/07. Accounting to be filed 30 days prior. Note local rule re filing bank/investment statements.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS07233

CASE NAME: MTR OF MADELEINE L JACKSON

HEARING:
PETITION FOR LETTERS OF ADMINISTRATION W/WA W/FULL AUTHORITY
UNDER IAEA.

COUNSEL:
MICHELE S BARLOW (PET)...ROGER VON KAESBORG
PATRICIA A THOMAS (PET)...ROGER VON KAESBORG
MADELEINE L JACKSON (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Petition for letters of administration with will annexed, full authority.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need proof of publication.
2. Need notice of petition to administer and proof of service.
3. Will waives bond. Co-petitioners are both CA residents.

RECOMMENDATION

RFA subject to notes 1 and 2, no bond. If approved, set hearing on inventory & appraisal for 5/31/07. Set accounting review for 12/27/07. Accounting to be filed 30 days prior. Note local rule re filing bank/investment statements.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS07234

CASE NAME: MTR OF BRUCE E WARD

HEARING:
PETITION FOR LETTERS OF ADMINISTRATION W/WA W/FULL AUTHORITY

COUNSEL:
TIMOTHY P RAMIREZ (PET)...ROGER VON KAESBORG
BRUCE E WARD (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Petition for letters of administration with will annexed, full authority.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need proof of publication.
2. Need notice of petition to administer and proof of service.
3. Will waives bond if named executor serves (Thelma Ward, mother). Mother is predeceased and therefore bond waiver would not apply. Purported sole heir (Mary Brewer, aunt) nominates petitioner and waives bond. If nomination is valid (see below), waiver would be valid. Petitioner is a CA resident. If not, estate is \$225,000 and suggest bond of same.
4. Will leaves whole estate to Thelma Ward (mother). Mother is predeceased and there is no residual bequest. Will also specifically disinherits all other heirs. Petitioner alleges that Mary Brewer (aunt) is only surviving family and therefore sole heir. Issue of heirship must be determined for now only re ability of that purported heir to nominate petitioner and waive bond. Need memo of P&As supporting power of appointment in light of priority and appointment scheme as set forth at Pr.C. 8441, 8461, and 8465.

RECOMMENDATION
Need to clear notes.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS07235

CASE NAME: MTR OF STEVEN MICHAEL ROSS

HEARING:
Petition to determine succession to Real Property

COUNSEL:
LENOTRA C COOKE/THE MACEDONIA (PET)...LAW OFFICE OF ROBIN D CHOW
STEVEN MICHAEL ROSS (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Petition to determine succession to real property.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need notice of hearing and proof of service.
2. Need I&A establishing value less than \$100,000.
3. Need copy of deed to real property.
4. Petitioner (Lenotra Cooke) is representative of church to whom sole heir (Nancy Murphy, surviving spouse) has assigned complete interest in decedent's estate.

RECOMMENDATION
Need to clear notes.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS07236

CASE NAME: ESTATE OF MINNIE SAKAS

HEARING:

Petition for Probate, Letters of Tstmntry with full authority
under IAEA.

COUNSEL:

ROSEMARY EASLEY (PET)...ROBERT W CANNON
MINNIE SAKAS (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Petition for letters testmanetary, full authority.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need proof of publication.
2. Need notice of petition to administer and proof of service.
3. Will waives bond. Petitioner is a CA resident.

RECOMMENDATION

RFA subject to notes 1 and 2, no bond. If approved, set hearing on inventory & appraisal for 5/31/07. Set accounting review for 12/27/07. Accounting to be filed 30 days prior.
Note local rule re filing bank/investment statements.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS07237

CASE NAME: MTR OF DOROTHY IRENE HUGHES

HEARING:
Petition to determine succession to Real Property

COUNSEL:
SANDRA COX (PET)...FULLERTON LEMANN SCHAEFER & DO
DIANA CATALANO (PET)...FULLERTON LEMANN SCHAEFER & DO
JUDY OWENSBY (PET)...FULLERTON LEMANN SCHAEFER & DO
DOROTHY IRENE HUGHES (DEC)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Petition to determine succession to real property.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioners are decedent's three daughters.
2. Surviving spouse has disclaimed interest in the estate.
3. I&A filed indicating \$9,000 estate value (real property).
4. Need copy of deed to real property.

RECOMMENDATION

Need copy of deed, then RFA. No future dates need be set.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS07238

CASE NAME: MTR OF STEVEN MENDEZ

HEARING:
Petition for Letters of Admin. W/ Limited Authority under IAEA

COUNSEL:
MELISSA JEFFERSON (PET)...LAW OFFICE OF LISA MACCARLEY
STEVEN MENDEZ (DEC)...

No file available for review.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 9:30 DEPT: S5P

CASE #: SPRSS46318

CASE NAME: ESTATE OF HALLIE M. ASKEY

HEARING:
Petition for TERMINATION OF TRUST -

COUNSEL:
HALLIE M. ASKEY (DEC)...
JAMES ASKEY (PET)...BRUNICK MCELHANEY & BECKETT

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Petition for termination of trust.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need notice of hearing and proof of service (30 days notice).
2. Petitioner states no legal basis for petition. Is petitioner proceeding per Pr.C. 15408? Need verified supplement.
3. Petitioner (James Askey) is a beneficiary of the subject intervivos trust.
4. Upon death of trustor, trustor's estate was distributed into the trust in 1979. The terms of the trust specified that a Herschel Askey was an interest beneficiary for life, then petitioner was an interest beneficiary for life, with a list of residual beneficiaries. Herschel died in 1992 and petitioner has been the interest income beneficiary since that time.
5. The corpus of the trust is now \$30,000. Petitioner requests termination of the trust and distribution of the corpus. He asserts that the trust generates approximately \$1,500/year and costs have been averaging \$875/year (29% of income). By taking the present value of the anticipated interest income over petitioner's life expectancy, petitioner concludes that \$23,151.40 (77%) of the trust should be distributed to him and \$6,848.60 (23%) would go to the remainder beneficiaries. [Note: Another way to look at it is in the reverse – the

present value of the \$30,000 that would go to the remainder beneficiaries in 29.6 years is \$6,848.60.] Petitioner argues that the costs are high in comparison to income, which frustrates the intention of the trust to provide for petitioner.

6. Petitioner also requests authorization to pay the 2006 trust expenses, including \$1,868.40 to trustee and \$200 to accountant for computation of income and remainder interests.

RECOMMENDATION

Need to clear notes.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS00921

CASE NAME: IN THE MATTER OF MARY JANE WILSON

HEARING:
Hearing Re: Final Discharge.

COUNSEL:
MARY JANE WILSON (CEP)...
WILLIAM O'NEIL (CPE)...KELLER & KELLER

GENERAL INFORMATION: continued from 12/2/05

The 3rd & Final Account was approved on 3/12/04.

Continued from 4/8/05 and 6/24/05. Counsel advises court on 6/24/05 that a special administrator needs to be appointed to distribute funds so estate can be closed. Nothing new filed.

Continued from 9/9/05. Nothing new filed.

Continued from 12/2/05 at request of counsel as a petition for special administrator will be filed on 12/12/05. Nothing new filed.

Continued from 4/7/06. Counsel advises that special administrator was awaiting posting of bond. (From a review of the register of actions, bond was posted on 5/16/06).

Last continued from 7/14/06 to file receipts and final discharge. No appearance. Clerk mailed notice.

THIS CASE IS SET FOR HEARING ON Receipts and Final Discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Need to file receipt and submit final discharge.

RECOMMENDATION:

When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr.C. § 8505.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS01079

CASE NAME: IN THE MATTER OF PATRICK JAMES MENDOZA

HEARING:
Petition for Appointment of Conservator

COUNSEL:
PATRICK JAMES MENDOZA (PLA)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Petitioner for conservatorship of estate only, by mother.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petitioner was appointed conservator of person only in 1997. Petitioner now seeks conservatorship of estate.
2. Petitioner requests no bond on basis \$36,000 bond was posted in conservatorship of person, estate is primarily real property deeded to conservatee, and accounting is made to VA. Bondable estate is \$73,996 including \$37,000 annual pensions and \$36,996 annual Social Security. Suggest \$74,000 bond and exoneration of current bond.
3. Petitioner requests 2590 powers.
4. Return of citation filed.
5. Need notice of hearing and proof of service, including service upon VA.
6. Need CI report.

RECOMMENDATION
Need to clear notes.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS01987

CASE NAME: MATTER OF WILMUS MARSHALL

PAGES 60 AND 61 ARE SAME CASE – SEE PAGE 60 FOR ALL NOTES

HEARING:
Petition for Appointment of Conservator

COUNSEL:
YOLUNDA MARSHALL (CPE)...DAVID M GROSSMAN
WILMUS MARSHALL (CEP)...ANNETTE G DE BELLEFEUILLE
LAWRENCE DEAN (CE)...HARTNELL HORSPOOL & FOX
LEMIO MARSHALL (SC)...JOHN L WELCH

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

- 1) Petition for removal of conservator
- 2) Petition for appointment of successor conservator by son.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

Petition for Removal of Conservator:

1. Professional conservator Lawrence Dean was appointed successor temporary conservator in 3/03, successor general conservator of person and estate 9/04.
2. Petitioner (Lemio Marshall, son) seeks removal of conservator on the basis that the fees of conservator and attorney have been over \$60,000 and that level of care is inadequate.
3. Need notice of hearing and proof of service.
4. No opposition filed as of date of review.

Petition for Appointment of Successor Conservator (by Lemio Marshall, son):

1. The court reaches this petition only if the petition for removal is granted.

2. Petitioner requests \$215,000 bond based upon bondable estate value plus annual income of \$215,300. Suggest \$216,000 bond.
3. Petitioner requests medical powers. Need medical declaration in support.
4. Need return of citation.
5. Need CI report.

RECOMMENDATION

Petition for Removal: Need notice, then court's discretion. If granted, set hearing re final accounting in six months.

Petition for Successor Conservatorship: Reached only if petition for removal is granted. Need to clear notes.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS01987

CASE NAME: MATTER OF WILMUS MARSHALL

PAGES 60 AND 61 ARE SAME CASE – SEE PAGE 60 FOR ALL NOTES

HEARING:

Petition for REMOVAL OF CONSERVATOR -

COUNSEL:

YOLUNDA MARSHALL	(CPE)...DAVID M GROSSMAN
WILMUS MARSHALL	(CEP)...ANNETTE G DE BELLEFEUILLE
LAWRENCE DEAN	(CE)...HARTNELL HORSPOOL & FOX
LEMIO MARSHALL	(SC)...JOHN L WELCH

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS02124

CASE NAME: MATTER OF ABDUL A FAVORS

HEARING:
Accounting Review

COUNSEL:
KENYA LAMOUR CAMPBELL (CPE)...DUANE P BOOTH
ABDUL A FAVORS (CEP)...
BOND SERVICES OF CALIFORNIA IN(TP)...PRO/PER

GENERAL INFORMATION:

This case is set for hearing on Accounting Review
2nd Accounting due for the period 7/1/03 – 6/30/05

Continued from 12/9/05 & 2/10/06, 5/506, and 7/7/06 to clear notes.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE
NOTED;

1. Accounting is not filed.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in
Pr.C. § 2620.2.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS02219

CASE NAME: MATTER OF MARIAN DRAYMAN

HEARING:
Accounting Review

	COUNSEL:	
LINDA JOHNSON	(CPE)...	C.L. FARRELL
MARIAN DRAYMAN	(CEP)...	JAMES B CHURCH
CARYN VELASCO	(OBJ)...	PRO/PER
BARBARA DRAYMAN	(PRO/PER)...PRO/PER

GENERAL INFORMATION:

On 5/12/06, the court approved a special needs trust with a requirement that \$100,000 bond be posted and then set this accounting review date. On 6/2/06, the court modified the bond requirement to require \$161,000 bond be posted. Bond has not yet been posted.

THIS CASE IS SET FOR HEARING ON
Accounting Review (1st account is due)
Continued from 7/14/06 re issue of bond.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Accounting is not filed. However, accounting review may be premature as first accounting wouldn't be due until 1 year from the establishment of the special needs trust. Therefore, court may wish to re-set accounting review for 6/13/07.

RECOMMENDATION:

Inquire re status of bond. Court may also wish to re-set accounting review for 6/13/07.
Accounting to be filed 30 days in advance.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS02232

CASE NAME: MTTR OF ANN E CAMPIGLIA

HEARING:
OSC re: SANCTIONS

COUNSEL:
BERNADETTE JACKSON (CPE)...
ANN E CAMPIGLIA (CEP)...DONNA STURGILL DIAZ

GENERAL INFORMATION:

This case is set for hearing on OSC for failure to file receipts and Final Discharge Order Settling 1st & Final Account granted 7/23/04

On 7/1/05, Court entered its Surcharge Order against Bernadette Jackson of \$7,852.50, representing attorney's fees due under the 1st & Final Account.

Continued from 7/29/05. No appearance and nothing new filed.

Continued from 10/7/05. No appearance and court set OSC re failure to file

Continued from 12/23/05. No appearance and court set OSC re sanctions.

Continued from 1/27/06 & 5/19/06 at request of counsel. Nothing new filed.

Last continued from 8/11/06. Conservator directed to submit all necessary receipts and declaration/order for final discharge.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Receipts/Final Discharge order are not submitted. Per Order for Final Distribution, conservator is authorized to distribute the assets to the personal representative of the estate of Ann E. Campiglia. The Court's register of actions does not show an active probate case. Court may wish to inquire status. Since substantial time has elapsed since the order settling final account as well as the bond surcharge against petitioner, the court may wish to require petitioner to file a supplemental accounting. JTD

RECOMMENDATION:

When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr.C. § 8505. Clerk to notice bonding company.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS02407

CASE NAME: MTR OF MYRNA VIVIANA MCGREGOR-MYERS

HEARING:
OSC re: SANCTIONS & SUSPENSION

COUNSEL:
BRIAN K. MYERS (CPE)...HARTNELL HORSPPOOL & FOX
MARIA A. MC GREGOR (CPE)...PRO/PER
MYRNA VIVIANA MC GREGOR-MYERS (CEP)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Motion to be relieved as counsel.

Continued from 5/12/06. Public Guardian to be noticed.

Continued from 8/4/06. Motion to be relieved as counsel by attorney Karin Horspool granted. OSC re sanctions/suspension set for 10/13/06. Basis unknown.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Basis for OSC unknown. First report with waiver of account (small estate) was approved 4/29/05 and next accounting review is 5/11/07.

RECOMMENDATION

None.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS02493

CASE NAME: MATTER OF LOIS MARTIN

HEARING:
Hearing re Final Discharge

COUNSEL:
MAXINE MARTIN (CPE)...RONALD W ASK
LOIS MARTIN (CEP)...
LAWRENCE A DEAN II (SC)...SHERRI L KASTILAHN
GENERAL INFORMATION:

THIS MATTER IS SET FOR HEARING ON:
Final Discharge

Continued from 6/23/06.

Continued from 8/4/06. No appearance.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Order re final distribution entered 6/15/05.
2. Need receipt for Lois Martin and declaration/order re final discharge from Lawrence Dean. **Supp: Copies of an apparent check to Lois Martin appear in file. Need declaration of counsel attaching the copies (to authenticate the evidence). Declaration should also explain inability to find distributee or obtain receipt.**
3. Final discharge order rejected 6/20/06 on basis set forth in note 1.

RECOMMENDATION:

When receipts or final discharge order are not filed as ordered, court may set a hearing in accord with Pr.C. § 8505.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS02552

CASE NAME: MATTER OF GLORIA BLOOM

PAGES 67 THROUGH 70 ARE SAME CASE

HEARING:
Petition for Appointment of Conservator

COUNSEL:	
RANDI L GUERRERO	(CP)...EDWARD B FISCHER
GLORIA BLOOM	(CTP)...LENITA A SKORETZ
GARY BLOOM	(SC)...ANNETTE G DE BELLEFEUILLE
LINDA EGGLESTON	(SC)...PRO/PER
LAWRENCE A DEAN	(CPE)...PRO/PER
LINDA EGGLESTON	(TP)...PRO/PER

GENERAL INFORMATION

Gary Bloom appointed temporary conservator of person and estate 9/12/06, \$100,000 bond.

THIS CASE IS SET FOR HEARING ON

Petition for appointment of successor conservator, person and estate, by Gary Bloom (son).

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Per 9/12/06 Minute Order, Lawrence Dean has resigned as conservator. Suggest court confirm.
2. Appears from filings that this petition is intended only as an alternate to the petition for termination also on calendar this date (in case termination petition is denied). Petition to terminate, however, appears moot in light of Dean resignation. Does petition wish to proceed?

3. Petitioner requests \$10,000 bond based upon \$35,000 estate value that is unblocked. I&A value of estate has been \$780,000.
4. Conservatee lives at petitioner's home in Carlsbad, CA. Suggest court inquire re residency of conservatee and jurisdiction for this case, especially in light of apparent intent for conservatee to reside in Carlsbad.
5. Suggest court review Confidential Screening Form (tabbed) re financial.
6. Need return pf citation.
7. Need CI report.
8. Attorney Lenita Skoretz previously appointed for conservatee. Need report of counsel.

RECOMMENDATION

Suggest court inquire re whether petitioner is proceeding in light of Dean resignation. If proceeding, need to clear notes.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS02552

CASE NAME: MATTER OF GLORIA BLOOM

PAGES 67 THROUGH 70 ARE SAME CASE

HEARING:

Petition for FOR SUBSTITUTED JUDGMENT RE AUTHORITY TO CASH IN
ANNUITY

COUNSEL:

RANDI L GUERRERO	(CP)...EDWARD B FISCHER
GLORIA BLOOM	(CTP)...LENITA A SKORETZ
GARY BLOOM	(SC)...ANNETTE G DE BELLEFEUILLE
LINDA EGGLESTON	(SC)...PRO/PER
LAWRENCE A DEAN	(CPE)...PRO/PER
LINDA EGGLESTON	(TP)...PRO/PER

GENERAL INFORMATION:

continued from 4/7/06 at request of counsel to clear calendar notes

Last continued from 6/16/06. Attorney Skoretz indicates to the court she will be filing a petition to terminate conservatorship. Since filed – see notes on later page. Continued from 8/25/06.

Per 9/12/06 Minute Order, Lawrence Dean has resigned as conservator. Gary Bloom appointed temporary conservator of person and estate 9/12/06.

THIS CASE IS SET FOR HEARING ON Petition for Substituted Judgment re Authority to Cash in Annuity (filed by Lawrence Dean)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Per apparent resignation of petitioner Lawrence Dean, this petition would be abandoned. Suggest court confirm. Notes are carried forth below in case petition proceeds.

2. Petitioner (Lawrence Dean) alleges that due to the minimal cash on hand (\$13,118.25), there are insufficient funds available for the care and maintenance of conservatee. Petitioner further alleges that petitioner does not wish to sell the conservatee's residence at this time in the event conservatee may recover sufficiently to return home. Conservatee owns a non-qualified annuity with a value of \$214,823.81 which provides a monthly income for conservatee in the amount of \$3,856.57 (in addition to VA benefits and social security benefits totaling \$2,348). Conservatee has been paying for caregivers to care for conservatee at conservatee's home, however, circumstances have changed and conservatee must move to a care facility which base cost is \$1,650. Petitioner also alleges the annuity income is no longer necessary, but a larger amount of cash on hand is necessary in order to pay for future income taxes, attorney's fees and other costs of administration and maintenance of the family residence.
3. **Opposition filed by Linda Eggleston (daughter of conservatee) alleging conservator has misrepresented conservatee's medical condition to the court and has inappropriately placed conservatee in locked facilities refusing to allow conservatee to attend court hearings and/or family outings. Objector has had an independent physician assess conservatee and the findings are in the confidential file (tabbed). Objector further alleges the conservator's staff has threatened conservatee by placing her in locked facilities. Objector requests that conservator be removed and that Gary Bloom be appointed as successor. Objector further requests that conservator's petition be denied.** Opposition has not been served on interested parties. Need proof of service.
4. Need report of counsel (Attorney Lenita Skoretz).

RECOMMENDATION:

Appears petition is abandoned. If proceeding, set for contested hearing.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS02552

CASE NAME: MATTER OF GLORIA BLOOM

PAGES 67 THROUGH 70 ARE SAME CASE

HEARING:
Petition for TO TERMINATE CONSERVATORSIP -

COUNSEL:	
RANDI L GUERRERO	(CP)...EDWARD B FISCHER
GLORIA BLOOM	(CTP)...LENITA A SKORETZ
GARY BLOOM	(SC)...ANNETTE G DE BELLEFEUILLE
LINDA EGGLESTON	(SC)...PRO/PER
LAWRENCE A DEAN	(CPE)...PRO/PER
LINDA EGGLESTON	(TP)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Petition to terminate conservatorship.

**Per 9/12/06 Minute Order, Lawrence Dean has resigned as conservator.
Gary Bloom appointed temporary conservator of person and estate 9/12/06.**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Appears petition is moot – conservator Lawrence Dean resigned. Suggest court confirm. Notes are carried forth below in case petition proceeds.
2. Conservatee, via counsel Lenita Skoretz, now petitions to terminate conservatorship presently held by Larry Dean. Conservatee asserts that conservatorship is no longer necessary because her condition has improved.
3. Informal doctor's assessment is in confidential file (filed in connection with daughter's objection to petition for substituted judgment – see notes on other

page this same date). Suggest court require formal medical declaration to assess conservatee's condition.

4. Need notice of hearing and proof of service.

RECOMMENDATION

Need notice, then court's discretion.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS02552

CASE NAME: MATTER OF GLORIA BLOOM

PAGES 67 THROUGH 70 ARE SAME CASE

HEARING:

SECOND Account and Report of LAWRENCE A DEAN and Petition for allowance of fees filed.

COUNSEL:

RANDI L GUERRERO	(CP)...EDWARD B FISCHER
GLORIA BLOOM	(CTP)...LENITA A SKORETZ
GARY BLOOM	(SC)...ANNETTE G DE BELLEFEUILLE
LINDA EGGLESTON	(SC)...PRO/PER
LAWRENCE A DEAN	(CPE)...PRO/PER
LINDA EGGLESTON	(TP)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Second account and petition for fees.

**Per 9/12/06 Minute Order, Lawrence Dean has resigned as conservator.
Gary Bloom appointed temporary conservator of person and estate 9/12/06.**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Conservatorship by private professional established in 2004 per stipulation of family who had competing petitions pending.
2. Accounting period 3/1/05 to 2/28/06 (12 months).
3. Assets on hand \$616,576.38.
4. Petitioner requests \$14,149.85 compensation. Itemized, based upon 258 hrs at blended \$55/hr. Concern that time billed for financial services for year was 57.45 hrs (an average of 4.8 hrs/month) with some months as high as 6 hrs.

Average monthly activity was 14.9 disbursements, 3.1 receipts, and 2.6 reconciliations. Billed amount for financial services is 57.45 hrs x \$50/hr = \$2,872.50. JTD.

5. Petitioner expects to bill same time in future and requests authority to take \$800/mo advances in future, based upon 80% of anticipated \$1,000/mo billing. JTD.
6. Attorney requests \$4,569.50 fees. Itemized, based upon 22.3 hrs at \$200-210/hr.
7. Need notice of hearing and proof of service for VA and conservatee (with proof of service of actual accounting per Local Rule 1406 as amended 7/1/06).
8. Need to confirm resignation of Lawrence Dean and set accounting review in six months re final accounting.

RECOMMENDATION

RFA subject to note 7 and court's determination re compensation and fees. If approved, set accounting review for final accounting in six months.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS02658

CASE NAME: MTR OF MONICA COOPER SANCHEZ

HEARING:
Accounting Review

COUNSEL:

KATIE SANCHEZ (CPE)...HARTNELL HORSPPOOL & FOX
MONICA COOPER SANCHEZ (CEP)...SHERRI L KASTILAHN
CRAIG JONES (APP)...PRO/PER
CRAIG JONES (OBJ)...PRO/PER
DARLENE JONES (PRO/PER)...PRO/PER
MONICA COOPER SANCHEZ ()...

GENERAL INFORMATION: Letters of Conservatorship issued 3/4/05

1st Account is due for the period 3/4/05 – 3/4/06

Continued from 4/21/06 and 7/14/06 at request of counsel. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. No accounting has been filed.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS02660

CASE NAME: MTR OF JUNE L GILBERT

HEARING:
OSC re: SANCTIONS

COUNSEL:
SANDRA GILBERT (CPE)...JOHN G WURM
JUNE L GILBERT (CEP)...DANA SMITH

GENERAL INFORMATION:

This case is set for hearing on OSC re sanctions for failure to file accounting.

Set at 1/6/06 accounting review. No appearance.

Continued from 3/3/06. Atty Wurm advises he is just substituting into case.

Substitution filed 3/29/06.

Continued from 6/9/06. Court advised that conservatee has passed away and final accounting is being prepared. Nothing new filed.

Last continued from 8/4/06 for accounting to be filed. Nothing new filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERWORK ARE NOTED;

1. Letters of Conservatorship (person/estate) issued 2/23/05
2. Accounting is not filed. Need same.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS02676

CASE NAME: MTR RE MARIAN M CONWAY

HEARING:
Accounting Review

COUNSEL:
JERRY D COLE (CPE)...JOHN M RAGER
MARIAN M CONWAY (CEP)...

GENERAL INFORMATION:

This matter is set for hearing on accounting review. Nothing new filed.

Conservatorship granted 8/13/04, \$160,000 bond.

1st Account is due for the period 8/13/04 – 8/13/05

**Continued from 10/14/05, 12/16/05 & 2/3/06, 4/21/06, and 7/21/06 to file accounting.
Nothing new filed.**

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Partial and Final I&As totaling \$372,139.23 have been filed.
2. No accounting filed (more than a year overdue). Need same.
3. Suggest court notice bonding company.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS02705

CASE NAME: MTR RE MARCELLA JEAN HUBER

SEE ALSO 74A (AND HEARINGS IN SPOUSE'S CASE AT PAGES 75 AND 75A)

HEARING:
OSC re: SUSPENSION & SANCTIONS

COUNSEL:
MARK G HUBER (CPE)...PRO/PER
MARCELLA JEAN HUBER (CEP)...

GENERAL INFORMATION:
This matter is set for hearing on OSC re suspension/sanctions.
Letters issued 10/1/04.

Court set this OSC at a 7/21/06 accounting review. There was no appearance. Note re prior accounting reviews are carried forth below.

Continued from 12/16/05 & 1/27/06. Nothing new filed.
Continued from 4/21/06 to clear notes. Nothing new filed. Counsel has since substituted out of case and petitioner is in pro per.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Accounting review not filed (more than a year overdue). Clerk has given notice.
2. Petition Fixing Residence Outside California was granted on 9/30/05. Petition for Termination of Conservatorship set for 1/27/06 (See pg. 48A). Will need final accounting if Petition is granted.

RECOMMENDATION:
When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS02705

SEE ALSO 74

CASE NAME: MTR RE MARCELLA JEAN HUBER

HEARING:
Petition for Termination

COUNSEL:
MARK G HUBER (CPE)...PRO/PER
MARCELLA JEAN HUBER (CEP)...

GENERAL INFORMATION:

This matter is set for hearing on Petition for Termination of Conservatorship. Petition to Fix Residence Outside State of California was granted on 9/30/05. At that time, court set this date for a hearing on termination of conservatorship. Nothing new filed.

Continued from 1/27/06. Nothing new is filed.

Continued from 4/21/06 to clear notes. Nothing new filed. Counsel has since substituted out of case and petitioner is in pro per.

Continued from 7/2/106. No appearance.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petition for Termination has not been filed.

RECOMMENDATION:

Require a petition for termination to be filed. Alternatively, court could require petitioner to file a first & final account and petition for termination/discharge. Set matter out 60 days and require accounting to be filed within 30 days of hearing.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS02706

CASE NAME: MTR OF VERNON HUBER

SEE ALSO 75A and 76

HEARING:
OSC re: SUSPENSION AND SANCTION

COUNSEL:
MARK G HUBER (CPE)...PRO/PER
VERNON HUBER (CEP)...
BOND SERVICES OF CALIF/JEFF AA(TP)...PRO/PER

GENERAL INFORMATION: This matter is set for hearing on accounting review.
Letters issued 10/1/04.

Court set this OSC at a 7/21/06 accounting review. There was no appearance. Note re prior accounting reviews are carried forth below.

Continued from 12/16/05 & 1/27/06. Nothing new filed.

Continued from 4/21/06 to clear notes. Nothing new filed. Counsel has since substituted out of case and petitioner is in pro per.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

- 1 Accounting review not filed (more than a year overdue). Clerk has given notice.
2. Petition Fixing Residence Outside California was granted on 9/30/05. Petition for Termination of Conservatorship set for 1/27/06 (See pg. 49A). Will need final accounting if Petition is granted.

RECOMMENDATION:

When an accounting is not filed as required, the court shall take action as specified in Pr.C. § 2620.2.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS02706

CASE NAME: MTR OF VERNON HUBER

SEE ALSO 75 and 76

HEARING:

Petition for TERMINATION OF GUARDIANSHIP 01/27/06

COUNSEL:

MARK G HUBER (CPE)...PRO/PER

VERNON HUBER (CEP)...

BOND SERVICES OF CALIF/JEFF AA(TP)...PRO/PER

GENERAL INFORMATION:

This matter is set for hearing on Petition for Termination of Conservatorship. Petition to Fix Residence Outside State of California was granted on 9/30/05. At that time, court set this date for a hearing on termination of conservatorship. Nothing new filed.

Continued from 1/27/06. Nothing new is filed.

Continued from 4/21/06 to clear notes. Nothing new filed. Counsel has since substituted out of case and petitioner is in pro per.

Continued from 7/2/106. No appearance.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Petition for Termination has not been filed.

RECOMMENDATION:

Require a petition for termination to be filed. Alternatively, court could require petitioner to file a first & final account and petition for termination/discharge. Set matter out 60 days and require accounting to be filed within 30 days of hearing.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS02706

CASE NAME: MTR OF VERNON HUBER

SEE ALSO 75 and 75A

HEARING:

Hearing re: Inventory and appraisal

COUNSEL:

MARK G HUBER (CPE)...PRO/PER
VERNON HUBER (CEP)...
BOND SERVICES OF CALIF/JEFF AA(TP)...PRO/PER

GENERAL INFORMATION: This matter is set for hearing on inventory and appraisal. This hearing was last on calendar on 9/30/05, the same date the court granted a Petition to Fix Residence Outside State of California. This matter is also on calendar for today's date for hearing on Petition to Terminate Conservatorship. The 9/30/05 minute order notes that the filing of the I&A would trail the Petition to Terminate.

Continued from 1/27/06. Nothing new filed.

Continued from 4/21/06 to clear notes. Nothing new filed. Counsel has since substituted out of case and petitioner is in pro per.

Continued from 7/21/06. No appearance.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. The inventory and appraisal has not been filed. The clerk has given notice.

RECOMMENDATION:

If Petition to Terminate not filed, court may wish to suspend powers and set OSC re failure to file. Issue citation on conservator and counsel.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS02743

CASE NAME: MTR RE ALISON KAY WILLIAMS

HEARING:
Hearing Re: STATUS CONFERENCE.

COUNSEL:
DAN WILLIAMS (CPE)...NICHOLAS SCHNIEDER
ALISON KAY WILLIAMS (CEP)...JUDITH RUNYON

No file available for review.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS02789

CASE NAME: MTR OF ANTHONY OCCHINO

HEARING:

AMENDED FIRST AND FINAL Account and Report of JUDITH M GREENWOOD
and Petition for allowance of fees filed.

COUNSEL:

VIRGINIA OCCHINO (CPE)...HARTNELL HORSPOOL & FOX
ANTHONY OCCHINO (CEP)...
JUDITH M GREENWOOD (CPE)...PAULA FORTHUN-BALDWIN

GENERAL INFORMATION

Petition is custodian (for purposes of VA benefits) who succeeded a prior temporary conservator.

THIS CASE IS SET FOR HEARING ON

Amended First and final account and petition for fees by custodian.

Continued from 5/12/06 and 8/4/06. Nothing new filed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Accounting period 1/15/05 to 7/29/05 (6 ½ months).
2. Assets on hand \$93,308.20.
3. Conservatee is deceased. Declaration attached to accounting alludes to eventual distribution to probate estate but no distribution plan is set forth in accounting or proposed order. Need verified supplement and corrected order re same.
4. Attorney requests \$7,789.20 fees. Itemized, based upon 35.5 hrs, atty at \$200/\$125/hr and paralegal/legal assistant at average \$82.18 hrs. \$737.09 is billed by "legal assistant/paralegal." Need qualifications of paralegals per CRC Probate Rules 7.703(e) and 7.754.
5. Petitioner requests reimbursement of \$5,000 she advanced to conservatee to fund litigation to oppose conservatorship by prior conservator. Appears ok.

6. Need notice of hearing and proof of service.

RECOMMENDATION

RFA subject to notes 3 and 6 and court's determination re fees. If approved, set next accounting review for 8/22/08.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS02838

CASE NAME: MTTR OF GWENDOLYN L CHRISTENSEN

VACATED

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
JOANNE FRENCH (CPE)...ELDER LAW CENTER, P.C.
LAWRENCE DEAN II (CPE)...ELDER LAW CENTER, P.C.
GWENDOLYN L CHRISTENSEN (CEP)...

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS02858

CASE NAME: MTR OF DOUG A RANDALL

HEARING:
Accounting Review

COUNSEL:
INLAND COUNTIES REGIONAL CTR (CE)...BRUNICK MCELHANEY & BECKETT
DOUG A RANDALL (CTE)...DONNASUE SMITH-ORTIZ

GENERAL INFORMATION:
Letters of Conservatorship issued 6/3/05

THIS CASE IS SET FOR HEARING ON
Accounting Review (1st Accounting is due for the period 6/3/05 – 6/3/06)
Continued from 8/11/06 for additional time to file accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;
1. Accounting is not filed.

RECOMMENDATION:
When the personal representative does not file an accounting as required, the court shall
take action as specified in Pr.C. § 11050 et seq.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS03027

CASE NAME: MTR RE MARILYN RUTH WILLIAMS

HEARING:
Status Conference

COUNSEL:
RICHARD WILLIAMS (CPE)...JACK B OSBORN
MARILYN RUTH WILLIAMS (CEP)...MELVIN L FRIEDLAND
GAIL CHRISTIAN (OBJ)...PRO/PER

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Status conference.

Continued from 8/4/06.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. At 7/7/06 hearing on settlement conference re conservatorship petition, the court appointed the Court Investigator and set this status conference to address the issue that the temporary conservator had the conservatee living in Kern County without prior court approval or order.
2. Need CI report.
3. Report re Placement filed by conservator noting in January, temporary conservatee wanted to briefly stay with sister in Exeter, CA (Tulare County), that there was a visit was reported to attorney for temporary conservatee and to CI, that temporary conservatee was there from 1/06 to 7/06 and came back to San Bernardino after falling and breaking a hip, and that per Pr.C. 2352 residence may be fixed any place within the state.

RECOMMENDATION
Need CI report.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS03123

CASE NAME: MTR OF MIRIAM Y. GIRON

HEARING:

Petition for Appointment of Conservator

COUNSEL:

JAZMIN K. GIRON (CP)...PRO/PER
MIRIAM Y. GIRON (CTP)...SHERRI L KASTILAHN

GENERAL INFORMATION

Ex parte petition for temporary conservatorship granted 7/19/06. Case was ordered referred to Public Guardian for an evaluation for LPS proceedings.

Continued from 8/11/06.

THIS CASE IS SET FOR HEARING ON

Petition for limited conservatorship, person only, by sister.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need notice of hearing and proof of service.
2. No bond – person only.
3. Estate powers not requested – petitioner is already the SSI payee for SSI benefits.
4. Petitioner requests Pr.C. 2351-2358 powers ((medical treatment).
5. Petitioner requests medical powers. Medical declaration filed in support.
6. Petitioner requests order that proposed conservatee not be allowed to fix residence outside state without court order.
7. Need report of Public Guardian re referral for evaluation for LPS proceedings.
8. Appointed attorney, Sherri Kastilahn, gave oral report at 8/11/06 hearing.
9. Petitioner filed supplemental declaration attesting to his ability to care for sister and that he has vast experience caring for sister.
10. Need IRC report.

RECOMMENDATION

Need to clear notes.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS03135

CASE NAME: MTR OF HENRY F RUMOHR

HEARING:

Hearing Re: STATUS.

COUNSEL:

KAREN WILLIAMS (CP)...KARIN HORSPOOL
HENRY F RUMOHR (CTP)...JAMES B CHURCH

GENERAL INFORMATION:

Temporary orders granted on 7/24/06. Court also appointed Attorney James Church as counsel for proposed conservatee.

THIS CASE IS SET FOR HEARING ON

Hearing re status. Set at 8/25/06 Petition for Appointment of Conservator, person only, by daughter. Notes re underlying petition are set forth below.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner requests medical and dementia powers. Medical Capacity Declaration is filed supporting requests.
2. Dementia powers are requested and court has appointed Attorney Church as counsel for proposed conservatee. Report of counsel is filed and proposed conservatee wishes to object to conservatorship.
3. Court Investigator's report is filed indicating proposed conservatee's desire to contest establishment of conservatorship.
4. **Objections filed by Attorney Church as court-appointed counsel for proposed conservatee. Objector alleges proposed conservatee is able and willing to care for his personal and financial affairs.**
5. Proposed conservatee can complete an Affidavit of Voter Registration.

RECOMMENDATION:

Set for contested hearing.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS03148

CASE NAME: MTR OF KAREN BRINK

HEARING:
Petition for Appointment of Conservator

GAIL DOSS	COUNSEL:
KAREN BRINK	(CP)...PRO/PER
	(CTP)...LENITA A SKORETZ

No file available for review.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS03167

CASE NAME: MTR OF CHRISTINE TERKELSEN

HEARING:
Petition for Appointment of Conservator

COUNSEL:
TERRY N TERKELSEN (CPE)...EDWARD B FISCHER
CHRISTINE TERKELSEN (CEP)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Conservator, person and estate, by son

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner requests bond be fixed at \$20,000. Appears ok.
2. Medical capacity declaration is filed indicating proposed conservatee has dementia. However, no medical/dementia powers are requested. Court has discretion to appoint counsel for proposed conservatee. Does petitioner intend to seek medical/dementia powers? File verified supplement.
3. Need Court Investigator's report.

RECOMMENDATION:

Need verified supplement and CI report. If approved, court to set future dates. Set hearing on filing inventory & appraisal for 5/31/07. Set hearing on accounting review for 12/27/07. Accounting to be filed 30 days in advance.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS03168

CASE NAME: MTR OF QUANA LYNN LISTER

HEARING:
Hearing Re: Petition For Appointment of Conservator.

COUNSEL:
WILLIE D ADAMS (CP)...PRO/PER
QUANA LYNN LISTER (CTP)...WALTER T. MOORE
JEANETTE O GORDON (CP)...PRO/PER

GENERAL INFORMATION:
Temporary letters issued 8/21/06

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Limited Conservator,
person only, by non-relatives (Willie Adams and Jeanette Gordon)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Proposed conservatee will attend hearing.
2. Petitioners request medical powers. Need to file medical capacity declaration.
3. Proposed conservatee is developmentally disabled. Court has appointed Attorney Walter Moore as counsel for proposed conservatee. Need report of counsel.
4. Need Court Investigator's report.
5. Need IRC report.
6. Need to file Notice of Hearing and proof of service.
7. A limited conservator of the person or of the estate, or both, may be appointed for a developmentally disabled adult. PC 1801(d)
8. A limited conservatorship may be utilized only as necessary to promote and protect the well-being of the individual, shall be designed to encourage the development of maximum self-reliance and independence of the individual, and

shall be ordered only to the extent necessitated by the individual's proven mental and adaptive limitations.

9. Standard of proof: clear and convincing evidence. PC1801(e)

10. At hearing on petition for appointment of limited conservator, court must do the following:

a. inquire into the nature and extent of the general intellectual function of the individual alleged to be developmentally disabled.

b. evaluate the extent of the impairment of his or her adaptive behavior.

c. ascertain his or her capacity to care for self or property

d. inquire into the qualifications, abilities and capacities of the person seeking appointment as limited conservator

e. if a report by IRC has not been filed in court because the proposed limited conservatee withheld consent to assessment, the court shall determine the reason for withholding the consent. PC 1828.5

11. Petition should be dismissed if the Court finds that the proposed limited conservatee possesses the capacity to care for himself and manage property as a reasonably prudent person.

12. If granted, Court must define the duties and powers for the limited conservator so as to permit the developmentally disabled adult to care for self or manage financial resources commensurate with ability to do so.

13. Prior to appointment of the limited conservator, Court must inform the proposed conservatee:

a. of the nature and purpose of the limited conservatorship proceeding,

b. that the appointment of a limited conservator for his or her person or estate or person and estate will result in the transfer of certain rights set forth in the petition and the effect of such transfer,

c. the identity of the person who has been nominated as his or her limited conservator,

d. that he or she has a right to oppose such proceeding, and

e. that he or she has a right to have the matter tried by jury. PC 1828.5(f).

14. After communicating such information to the person and prior to the appointment of a limited conservator, the court shall consult the person to determine his or her opinion concerning the appointment.

15. The court may wish to review the confidential screening forms of petitioners (tabbed). Does court wish to require notice to Public Guardian re possible appointment? JTD

RECOMMENDATION:

Need to clear notes.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS03169

CASE NAME: MTR OF PATRICIA ANN KILBORN

HEARING:
Petition for Appointment of Conservator

COUNSEL:
RONALD KILBORN (CPE)...HARTNELL, LISTER & MOORE
PATRICIA ANN KILBORN (CTE)...JAMES B CHURCH

GENERAL INFORMATION:
Temporary orders granted on 9/12/06

THIS CASE IS SET FOR HEARING ON Petition for Appointment of Conservator, person and estate, by son

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Proposed conservatee will attend hearing.
2. Petitioner has been nominated by proposed conservatee.
3. Petitioner requests bond be waived as the assets of the conservatorship consist of real property only. Petitioner has indicated in the petition that the personal property of proposed conservatee is unknown. Question whether proposed conservatee receives monthly income and from what sources? File verified supplement. In lieu of supplement, court may wish to require minimum bond, or \$20,000. JTD
4. Petitioner requests medical powers. Need to file medical capacity declaration.
5. Need to file Notice of Hearing and proof of service.

RECOMMENDATION:
Need to clear notes 3-5. If approved, court to set future dates. Set hearing on filing inventory & appraisal for 5/31/07. Set hearing on accounting review for 12/27/07. Accounting to be filed 30 days in advance.

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS7173

CASE NAME: IN THE MATTER OF BARNEY G ARREOLA

HEARING:

FOURTH AND FINAL Account and Report of ROBERTO SOTO JR and
Petition for allowance of fees filed.

COUNSEL:

BARNEY G. ARREOLA (CEP)...HARTNELL HORSPOOL & FOX
ROBERTO SOTO JR (CPE)...HARTNELL LISTER & MOORE
VETERANS ADMINISTRATION REGION(RPI)...ALAN K ACHEN

GENERAL INFORMATION:

Accounting covers period: 8/1/03 – 5/27/05 (21 months)

Assets on hand: \$33,072.88

Conservatee died on 5/27/05

THIS CASE IS SET FOR HEARING ON 4th & Final Account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner requests fees of \$4,800.00. Petitioner spent in excess of 20 hours per week, or 80 hours per month, for 21 months. Generally itemized. JTD
Petitioner requests that the conservatee's vehicle (1993 Ford Taurus valued at \$800) be distributed to petitioner toward the total amount of fees.
Petitioner agrees to give the vehicle to conservatee caregiver/aunt for the many years prior service. JTD
2. Attorney requests fees of \$6,276.00, but has agreed to a reduced fee of \$2,350.69. Billed at \$200-\$275/hour for attorney time (8.3 hours - 8 hours at \$275/hour) and \$50-\$95/hour for paralegal time (3.4 hours – 1.1 hours at \$95/hour). Attorney has already reduced fee request. Itemized. JTD
3. Petitioner requests that conservatee's furniture be donated to a local charity (Goodwill/Salvation Army). JTD

RECOMMENDATION: If approved, set hearing for filing of receipts and final discharge for 10/18/07.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SC SS7811

CASE NAME: IN THE MTTR OF RAYMOND GARCIA

HEARING:

Petition for FOR TERMINATION OF LIMITED CONSERVATOSHIP OF THE
PERSON

COUNSEL:

RAYMOND GARCIA (CTP)...

INLAND COUNTIES REGIONAL CENTE(CP)...FRANCES G HERBERT

GENERAL INFORMATION:

Letters of Limited Conservatorship issued 12/19/86

Conservatee died on 10/20/05

Continued from 8/11/06. Nothing new filed.

THIS CASE IS SET FOR HEARING ON Petition for Termination of Limited
Conservatorship of the Person

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Need to file notice of hearing and proof of service

RECOMMENDATION:

RFA subject to notice. No need to set future dates.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SPRSS03672

CASE NAME: EST OF JESSIE MARIE GONZALES

HEARING:
OSC re: REMOVAL/SURCHARGE

COUNSEL:

TONY GONZALES JR (PET)...PRO/PER
GARY RICHARD GONZALES (PET)...PRO/PER
LINDA J. PRECIADO (PET)...JOHN M RAGER
EILEEN B. GUTIERREZ (PET)...JOHN M RAGER
JESSIE MARIE GONZALES (DEC)...
SOLEDAD CONRIQUE (TP)...HARTNELL, LISTER & MOORE

GENERAL INFORMATION:

This matter is set for hearing OSC re removal/surcharge (no accounting) against Linda Preciado and Eileen Gutierrez (co executors)

Continued several times since 1/27/06 and last from 8/4/06 at request of Attorney Osborne (special appearance for Attorney Rager)

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petition for probate granted 11/14/03, no bond.
2. Matter is set for OSC re removal/surcharge for failure to file accounting. No accounting has been filed (however 1st Status Report was granted on 6/17/05 allowing additional time to sell real estate).

RECOMMENDATION:

Court's discretion.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SPRSS04838

CASE NAME: ESTATE OF ENOS JEFFERIES FITZGERALD

HEARING:
Hearing re Final Discharge

COUNSEL:

ROBERT HARVEY (PET)...BERNHARD A AAEN
GARY REDINGER (PET)...BERNHARD A AAEN
ENOS JEFFERIES FITZGERALD (DEC)...
NANCY HARVEY (PET)...ARIAS AAEN

GENERAL INFORMATION:

Continued from May 12, 2006 for bonds to be signed and distributed.
Continued from 1/20 and 3/17/06. Nothing new filed.

Last continued from 8/4/06 to clear calendar notes. Nothing enw filed.

THIS MATTER IS SET FOR HEARING ON: Final Discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. First and Final Account approved and granted on 1/7/05 subject to filing of bank/investment statements per Local Rule 908. Order on final account and for distribution entered 1/20/06.
2. Need to file receipts and submit final discharge declaration/order.

RECOMMENDATION: Determine status.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SPRSS05099

CASE NAME: ESTATE OF HERMAN L. SCHROEDER

HEARING:
OSC re: SUSPENSION OF POWERS/SANCTIONS

COUNSEL:
LAWRENCE SCHROEDER (PET)...BRYAN C. HARTNELL
HERMAN L. SCHROEDER (DEC)...

GENERAL INFORMATION
Continued from 8/4/06.

THIS CASE IS SET FOR HEARING ON OSC re suspension/sanctions for failure to file an accounting.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:
On 9/8/06, the Court granted the status report and allowed the personal representative to continue the estate administration due to pending litigation re estate property. Court allowed next accounting and/or status report to be filed on 9/13/07.

RECOMMENDATION
Take this matter off calendar.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SPRSS05963

CASE NAME: ESTATE OF WILLIE ANDERSON

HEARING:
OSC re: SANCTIONS & SUSPENSION

COUNSEL:
JERRY L ANDERSON (PET)...PRO/PER
WILLIE ANDERSON (DEC)...

No file available for review.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SPRSS06306

CASE NAME: ESTATE OF LILLIE B RILEY

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
MELODIE Z SCOTT (PET)...SHERRI L KASTILAHN
LILLIE B RILEY (DEC)...
MUNFORD P WILSON (TP)...LAYNE A BARTHOLOMEW
ERICKA LOVER (LAYNE A BARTHOLOMEW)...LAYNE A B
CARMEN SIMMONS (LAYNE A BARTHOLOMEW)...LAYNE A B
ERIC J SIMMONS (LAYNE A BARTHOLOMEW)...LAYNE A B
MICHION SIMMONS (LAYNE A BARTHOLOMEW)...LAYNE A B
MURIEL STEWART (ERIC R YAMAMOTO)...ERIC R YA
DEPARTMENT OF HEALTH SERVICES (PRO/PER)...PRO/PER

No file available for review.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SPRSS06409

CASE NAME: MTR OF MARLA ROSE MURRELL

SEE ALSO 95A

HEARING:
Accounting Review

COUNSEL:
JORDAN WIRSZ (PET)...ALTHOUSE & MCDONOUGH
MARLA ROSE MURRELL MORGAN (DEC)...

GENERAL INFORMATION:
Letters of Administration issued 6/3/05 (full authority, no bond)
Continued from 8/11/06 & 9/8/06.

THIS CASE IS SET FOR HEARING ON filing Inventory & Appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Accounting is also not filed (matter 95).
2. Inventory is also not filed (matter 95A). Counsel previously advised pending appeal.

RECOMMENDATION:
Inquire re status.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SPRSS06409

CASE NAME: MTR OF MARLA ROSE MURRELL

SEE ALSO 95

HEARING:
Hearing re: INVENTORY AND APPRAISAL

COUNSEL:
JORDAN WIRSZ (PET)...ALTHOUSE & MCDONOUGH
MARLA ROSE MURRELL MORGAN (DEC)...

See prior notes

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SPRSS06574

CASE NAME: ESTATE OF EMIL HEMMERS

SEE ALSO 97

HEARING:
Accounting Review

PAT WELSH	COUNSEL:
EMIL HEMMERS	(PET)...JOHN G WURM
	(DEC)...

GENERAL INFORMATION:
Continued from 9/8/06

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Letters Testamentary issued 9/13/05
2. Inventory (past due 4/14/06) is not filed
3. Accounting not filed.
4. Clerk mailed notice.

RECOMMENDATION:

When the personal representative does not file an accounting as required, the court shall take action as specified in Pr.C. § 11050 et seq.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:45 DEPT: S5P

CASE #: SPRSS06574

CASE NAME: ESTATE OF EMIL HEMMERS

SEE ALSO 96

HEARING:
Hearing re: Inventory and appraisal

PAT WELSH	COUNSEL:
EMIL HEMMERS	(PET)...JOHN G WURM
	(DEC)...

See prior notes (matter 96)

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:46 DEPT: S5P

CASE #: SC SS00535

CASE NAME: IN THE MATTER OF ALEXANDER L ARGUELLO IV

HEARING:

SIXTH Account and Report of NANCY GARRETT and Petition for allowance of fees filed.

COUNSEL:

ALEXANDER L ARGUELLOIV (CEP)...
NANCY GARRETT (CPE)...J. DAVID HORSPOOL

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON
Sixth account and petition for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Conservatorship established in 1995.
2. Accounting period 5/1/04 to 4/30/06 (24 months).
3. Assets on hand \$492,394.80.
4. Petitioner waives compensation.
5. Attorney requests \$1,990. Itemized, based upon 13.4 hrs, attorney at \$250/hr and paralegals at \$50-100/hr. Does court wish to allow billing above \$74/hr for paralegals? Reduction would be \$25/hr x 5.2 hrs = \$130. Total allowed fee would be \$1,860. JTD.
6. Petitioner requests bond increase from \$57,840 to \$120,000 via a new bond. Ok.
7. Disbursements show \$25/mo "service fee" as an "administrative expense" without explanation. Need verified supplement.
8. Need proof of service indicating service of petition upon conservatee per Local Rule 1406(g) as amended 7/1/06.

RECOMMENDATION

RAF subject to notes 7 and 8 and court's determination re fees and bond. If approved, set next accounting review for 10/18/06.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:46 DEPT: S5P

CASE #: SC SS00864

CASE NAME: IN THE MATTER OF ISABEL HARNED AKA DOLLY HARNED

HEARING:

FIFTH AND FINAL Account and Report of SHERRIE A. COX and
Petition for allowance of fees filed.

COUNSEL:

ISABEL HARNED	(CEP)...
SHERRIE A. COX	(CPE)...BETTY AUTON-BECK

GENERAL INFORMATION:

Accounting covers period: 7/1/04 – 7/31/05
Assets on hand: \$34,079.64 (all cash)
Conservatee died on 12/29/05

THIS CASE IS SET FOR HEARING ON 5th & Final Account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Petitioner waives fees for this accounting period.
2. Attorney requests fees of \$2,948.00. Need itemization of rate/services.
3. Prior attorney for petitioner requests fees of \$544.50. Billed at \$200/hour for attorney time (.3 hours) and \$95/hour for paralegal time (5.10 hours). Itemized. The court does not typically allow more than \$75/hour for paralegal time (which would be a reduction of \$102, or \$442.50). However, in light of the minimal fee request, does court wish to allow? JTD
4. Petitioner proposes to distribute the remaining balance of the conservatorship estate to herself as sole heir per Pr.C. §13100.

RECOMMENDATION:

Need to clear note 2 and then court's discretion. If approved, set hearing for filing of receipts and final discharge for 10/18/07.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:46 DEPT: S5P

CASE #: SC SS01501

CASE NAME: MATTER OF JAMES K ROGERS

HEARING:

Petition for TO INCREASE IN HOUSEHOLD ALLOWANCE PERIODIC PAYMENT
OF COMPENSATION TO CONSERVATOR

COUNSEL:

DIANE R ROGERS (CPE)...J. DAVID HORSPOOL
JAMES KENNETH ROGERS (CEP)...

GENERAL INFORMATION:

THIS CASE IS SET FOR HEARING ON Petition to Increase Household Allowance and
periodic payment of compensation to conservator

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Need to file notice of hearing and proof of service.
2. Petitioner requests an increase in the amount of conservator's periodic payment of \$300/month and increase in the conservatee's monthly contribution for household expenses in the amount of \$100/month due to the increase of general costs of living retroactive to 1/1/06.
3. There are no objections at the time of the review of this file.

RECOMMENDATION:

Need notice and then court's discretion.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:46 DEPT: S5P

CASE #: SC SS02340

CASE NAME: MTR OF ELIZABETH FAIRBANKS

HEARING:

THIRD AND FINAL Account and Report of MELODIE SCOTT and Petition
for allowance of fees filed.

COUNSEL:

MELODIE SCOTT (CPE)...J. DAVID HORSPOOL
ELIZABETH FAIRBANKS (CEP)...LENITA A SKORETZ

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

Third and final account and petition for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Conservatorship of person and estate established in 2003.
2. Conservatee died 5/9/06.
3. Accounting period 4/1/05 to 5/9/06 (pre-death 13 months) and 5/10/06 to 8/9/06 (3 months post death).
4. Assets on hand \$14,205.67.
5. Petitioner requests \$6,892 compensation. Itemized, based upon 124.35 hrs (average \$55/hr). Concern that petitioner bills exactly 2.0 hrs every month for financial services despite fact billing is presented as actual time worked on the file. JTD.
6. Attorney requests \$4,235 fees. Itemized, based upon 26.9 hrs, attys at \$210-250/hr and paralegal at \$75/hr. JTD.
7. Petitioner notes that conservatee received services from Dept. of Health Services, that DHS has been notified of conservatee's death, and that the time for DHS to make a claim has not yet run. Petitioner asserts, however, that any claim filed by DHS would exceed the assets remaining after expenses are paid and therefore requests that petitioner be authorized to pay any remaining funds from the conservatorship estate to DHS upon the filing of the claim. Petitioner

does not present a proposed distribution in case no claim is made (appears there would be a small amount of estate assets left over). Need verified supplement and new proposed order re proposed distribution of any assets remaining if not exhausted by a DHS claim.

RECOMMENDATION

RFA subject to note 7 and courts determination re compensation and fees. If approved, set hearing re receipts/final discharge/report re satisfaction of DHS claim and/or no assets for 10/18/07.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:46 DEPT: S5P

CASE #: SC SS02507

CASE NAME: MTR RE WILLIE REYNOLDS

HEARING:

FIRST CURRENT Account and Report of BARBARA THOMPSON and
Petition for allowance of fees filed.

COUNSEL:

BARBARA THOMPSON (PET)...ANNETTE G DE BELLEFEUILLE
WILLIE REYNOLDS (CEP)...

GENERAL INFORMATION

THIS CASE IS SET FOR HEARING ON

First account and petition for fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Temporary conservatorship awarded 10/29/03, letters of general conservatorship issued 12/16/03.
2. Accounting period 10/29/03 to 12/27/05 (26 months).
3. Assets on hand \$265,598.73.
4. Petition does not balance by \$18.24. Petitioner agrees to reduce her fee request by that amount. However, no fee request is made herein (see below). Appears conservatee has destroyed some checks and statements, complicating the accounting. Does court wish to require supplement?
5. Petitioner waives compensation but requests \$20,000/month to offset food, utility, and other expenses. \$5,000 total. Conservatee (mother) lives with conservator (daughter). JTD.
6. Attorney states she will file a separate fee petition.
7. Need notice of hearing and proof of service of actual accounting upon conservatee (per Local Rule 1406(g) as amended 7/1/06).
8. Need bank statements for period preceding and ending accounting period.
9. Need verification of petition.
10. No proposed order filed.

RECOMMENDATION
Need to clear notes.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:46 DEPT: S5P

CASE #: SC SS02874

CASE NAME: MTR OF ETHEL MAE WILLIAMS

HEARING:

FIRST Account and Report of ADRIENNE RILEY and Petition for allowance of fees filed.

COUNSEL:

ADRIENNE RILEY (CPE)...EDWARD B FISCHER
ETHEL MAE WILLIAMS (CEP)...

GENERAL INFORMATION:

Accounting covers period: 5/26/05 – 5/25/06

Assets on hand: \$295,505.88 (of which \$1,224.75 is cash, \$10,000 in furniture/furnishings, \$280, 000 value of real property, and \$4,279.13 in value of life insurance)

THIS CASE IS SET FOR HEARING ON 1st Account Current

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Need to file Notice of Hearing and proof of service.
2. Petitioner waives fees for this accounting period.
3. Attorney requests fees of \$2,737.50. Billed at \$225/hour for attorney time (11 hours) and \$50/hour for paralegal/bookkeeper (5.25 hours) 16.25 hours. Itemized. JTD

RECOMMENDATION:

RFA subject to note 1 and court's confirmation of fees. If approved, set next accounting review for 10/30/08.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:46 DEPT: S5P

CASE #: SC SS5227

CASE NAME: IN THE MTTR OF DEANNA SHOUSE

HEARING:

Petition for APPROVING TENTH AND FINAL ACCT CURRENT AND REPORT
OF CONSERVATOR PTN FOR FEES REQUEST TO CANC

COUNSEL:

PATRICIA BURNS WAGONER (CPE)...PRO/PER
PAULINE SHOUSE (CPE)...
DEANNA SHOUSE (CEP)...

No file available for review.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 10:46 DEPT: S5P

CASE #: SPRSS06827

CASE NAME: EST OF MELODY DIANE KOEPPEN

HEARING:
Hearing re: Inventory and appraisal

COUNSEL:
CHARLES OTTO KOEPPEN JR (PET)...BETTY AUTON-BECK
MELODY DIANE KOEPPEN (DEC)...

GENERAL INFORMATION

Order appointing administrator w/full authority granted 2/24/06
Letters have not issued as bond has not been filed. On 2/24/06, Court ordered \$20,000 bond.

THIS CASE IS SET FOR HEARING ON Filing of inventory and appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Inventory & appraisal not filed. However, since Letters have not issued I&A is premature. (PrC 8800(b))
2. Clerk mailed notice.

RECOMMENDATION:

Inquire re status of bond. Court may wish to Set OSC hearing re status of bond.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 11:00 DEPT: S5P

CASE #: SC SS00127

CASE NAME: IN THE MATTER OF BERNICE E WELLINGTON AKA BERNI

HEARING:
Hearing re Final Discharge

COUNSEL:
BERNICE ELAINE WELLINGTON (CEP)...ELISABETH KEMPE-OLINGER
RUTH HENRICKS (CPE)...BRYAN C. HARTNELL

No file available for review.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 11:00 DEPT: S5P

CASE #: SC SS01435

CASE NAME: IN THE MATTER OF MICHAEL A HARDT

HEARING:
Accounting Review

	COUNSEL:
MARIA HARDT	(CPE)...PRO/PER
WILLIAM HARDT	(CPE)...PRO/PER
MICHAEL A HARDT	(CEP)...

No file available for review.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 11:00 DEPT: S5P

CASE #: SC SS01939

CASE NAME: MTR OF ROSE L. SCOTT

HEARING:
Accounting Review

COUNSEL:
BARBARA J. DAVIS (CP)...HARTNELL LISTER & MOORE
ROSE L. SCOTT (CTP)...DUANE P BOOTH
JAMES SCOTT (OBJ)...PRO/PER

GENERAL INFORMATION:
1st Accounting is due for the period 9/20/05 – 9/20/06

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;
1. Accounting is not filed.

RECOMMENDATION:
Court must send written notice to conservator and attorney of record directing that the account be filed. Set hearing within 60 days. When an accounting is not filed as required the court shall take action as specified in Pr.C. 2620.2

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 11:00 DEPT: S5P

CASE #: SC SS02165

CASE NAME: MTR RE JAMES COOK

HEARING:
Hearing re Final Discharge

COUNSEL:
JAMES COOK III (CPE)...MARTIN E KELLER
JAMES COOK (CEP)...JUDITH LYNN PILSON

GENERAL INFORMATION:
Order Settling Final Account granted 10/7/05

THIS CASE IS SET FOR HEARING ON Final Discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Need to file receipts and submit final discharge

RECOMMENDATION:
Find out status.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 11:00 DEPT: S5P

CASE #: SC SS02238

CASE NAME: MTR RE BONNIE R SANDERS

HEARING:
Accounting Review

	COUNSEL:
SANDRA LAMB	(CPE)...NANCY J YOUNG
BONNIE R SANDERS	(CEP)...ROGER E WALKER
TAMARA LEROY	(SC)...WALTER T. MOORE

GENERAL INFORMATION

2nd Accounting now due for the period 5/16/04-5/15/06 (by Tamara LeRoy, Successor Conservator)

Continued from 9/8/06 at request of counsel

THIS CASE IS SET FOR HEARING ON Accounting review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED-

1. Accounting not filed. Need same.
2. Clerk mailed notice.

RECOMMENDATION:

When an accounting is not filed as required the court shall take action as specified in Pr.C. 2620.2

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 11:00 DEPT: S5P

CASE #: SC SS02316

CASE NAME: MTR OF TIMOTHY RONALD WILSON

HEARING:
Accounting Review

COUNSEL:
GERALDINE H ROMERO (CPE)...REIFMAN & ALTMAN
TIMOTHY RONALD WILSON (CEP)...
PAULINE ZUNIGA DUARTE (SC)...PRO/PER

GENERAL INFORMATION:

19th & Final Account is due from the prior conservator (Geraldine Romero) for the period
3/31/04 – 9/29/05

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Accounting is not filed. Find out status.
2. Need to set review date for accounting review on accounting from successor conservator to cover the period 9/30/05-9/30/06

RECOMMENDATION:

Court must send written notice to conservator and attorney of record directing that the account be filed. Set hearing within 60 days. When an accounting is not filed as required the court shall take action as specified in Pr.C. 2620.2
Set accounting review hearing for successor conservator (suggest 60 days).

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 11:00 DEPT: S5P

CASE #: SC SS02446

CASE NAME: MTR OF MELODY A. MYKING

HEARING:
Accounting Review

COUNSEL:
LUZVIMINDA SALAGAN (CPE)...ELISABETH KEMPE-OLINGER
MELODY A. MYKING (CEP)...

No file available for review.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 11:00 DEPT: S5P

CASE #: SC SS02492

CASE NAME: MATTER OF KAREN D SMITH

HEARING:
Hearing re Final Discharge

	COUNSEL:
CARL SMITH	(CPE)...PRO/PER
KAREN D SMITH	(CEP)...DUANE P BOOTH
PUBLIC GUARDIAN	(SC)...COUNTY COUNSEL

GENERAL INFORMATION:
Order Settling Final Account granted 10/7/05

THIS CASE IS SET FOR HEARING ON filing receipts and final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;
1. Need receipt and final discharge

RECOMMENDATION:
Find out status.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 11:00 DEPT: S5P

CASE #: SC SS02494

VACATE – FINAL DISCHARGE FILED 1/8/06

CASE NAME: MTR AMMIE MCDUFFIE

HEARING:
Hearing re Final Discharge

COUNSEL:
DEBORAH M WASHINGTON (CPE)...CRAIG M PARKER
AMMIE MCDUFFIE (CEP)...SHERRI L KASTILAHN

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 11:00 DEPT: S5P

CASE #: SC SS02728

CASE NAME: MTR OF JULIE A FISCHBACH

HEARING:
Hearing re: INVENTORY AND APPRAISAL

COUNSEL:
DONNA C FISCHBACH (CP)...HARTNELL, HORSPOOL & FOX
JULIE A FISCHBACH (CTP)...

GENERAL INFORMATION:
Letters of Conservatorship issued 4/4/06

THIS CASE IS SET FOR HEARING ON filing Inventory & Appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Inventory is not filed.

RECOMMENDATION:
Find out status.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 11:00 DEPT: S5P

CASE #: SC SS02790

CASE NAME: MTR OF LEROY MYER BRAMAN

SEE ALSO 116A

HEARING:
Hearing re: INVENTORY AND APPRAISAL

COUNSEL:
TODD A BRAMAN (CPE)...A. MERLE SESSIONS
LEROY MYER BRAMAN (CEP)...JAMES B CHURCH

GENERAL INFORMATION:
Letters of conservatorship issued 4/26/05.
Continued from 11/18/05, 3/3/06 & 6/23/06

THIS CASE IS SET FOR HEARING ON filing Inventory & Appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Inventory is not filed (overdue by a year). Counsel previously requested a continuance at the 6/23/06 hearing to further evaluate value of real property. Nothing new filed.

RECOMMENDATION:
Inquire re status.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 11:00 DEPT: S5P

CASE #: SC SS02790

CASE NAME: MTR OF LEROY MYER BRAMAN

SEE ALSO 116

HEARING:
Hearing re: STATUS REPORT

COUNSEL:
TODD A BRAMAN (CPE)...A. MERLE SESSIONS
LEROY MYER BRAMAN (CEP)...JAMES B CHURCH

See prior notes.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 11:00 DEPT: S5P

CASE #: SC SS02906

CASE NAME: MTR OF ROBERT A EDGELL

HEARING:
Accounting Review

COUNSEL:
DONALD L EDGELL (CPE)...KARIN HORSPOOL
ROBERT A EDGELL (CEP)...

GENERAL INFORMATION:
Letters of Conservatorship issued 7/29/05
1st Account is due for the period 7/29/05 – 7/29/06

THIS CASE IS SET FOR HEARING ON Accounting Review

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;
1. Accounting is not filed.

RECOMMENDATION:
Court must send written notice to conservator and attorney of record directing that the account be filed. Set hearing within 60 days. When an accounting is not filed as required the court shall take action as specified in Pr.C. 2620.2

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 11:00 DEPT: S5P

CASE #: SC SS02962

CASE NAME: MTR OF ALICE MAE CORMIER

HEARING:
Hearing re: INVENTORY AND APPRAISAL

COUNSEL:
SANDRA L WARNER (CE)...PRO/PER
ALICE MAE CORMIER (CTE)...DONNASUE SMITH-ORTIZ
DANNY LEWIS (CPE)...PRO/PER

GENERAL INFORMATION:
Letters of Conservatorship issued 5/3/06

THIS CASE IS SET FOR HEARING ON filing Inventory & Appraisal

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;
1. Inventory is not filed (overdue by 2 months)

RECOMMENDATION:
When an inventory and appraisal is not filed as ordered, court may set a hearing in accord with Pr.C. § 2614.5 and/or 8505.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 11:00 DEPT: S5P

CASE #: SG SS6899

CASE NAME: IN THE MTTR OF CHARLOTTE B WAGNER

HEARING:
Accounting Review

COUNSEL:
GERTRUDE M WHETZEL (CPE)...PRO/PER
CHARLOTTE BIRDIE WAGNER (CEP)...

No file available for review.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 11:00 DEPT: S5P

CASE #: SPRSS04493

CASE NAME: THE BETTY JANE ANDERSON TRUST

HEARING:
Hearing re Final Discharge

COUNSEL:
CHARLES L ANDERSON (TEE)...MATTHEW W GOLDSBY

GENERAL INFORMATION:
Order Settling Final Account granted 0/7/05

THIS CASE IS SET FOR HEARING ON filing receipts/final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;

1. Need to file receipt and submit final discharge declaration/order.

RECOMMENDATION:
Find out status

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 11:00 DEPT: S5P

CASE #: SPRSS05249

CASE NAME: ESTATE OF MOHAMMAD M HOQUE

HEARING:
Hearing re Final Discharge

COUNSEL:
MERINA HOQUE (PET)...ROBERT J SPITZ
MOHAMMAD M HOQUE (DEC)...
TITON HOGUE (TP)...DIANNA JUENGST HUNT

GENERAL INFORMATION:
Order for Final Distribution granted 10/17/05

THIS CASE IS SET FOR HEARING ON filing receipts/final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;
1. Need to file receipts and submit final discharge.

RECOMMENDATION:
Find out status.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 11:00 DEPT: S5P

CASE #: SPRSS05927

CASE NAME: ESTATE OF THOMAS MANGIONE

HEARING:
Hearing re Final Discharge

COUNSEL:
THOMAS M. MANGIONE (PET)...PRO/PER
THOMAS MANGIONE (DEC)...

GENERAL INFORMATION:
Order for Final Distribution granted on 10/7/05

THIS CASE IS SET FOR HEARING ON filing receipts/final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;
1. Need to file receipts and submit final discharge declaration.

RECOMMENDATION:
Find out status.

San Bernardino Superior Court
CIVCAL4 San Bernardino District
PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE FRANK GAFKOWSKI

DATE: 10/13/06 TIME: 11:00 DEPT: S5P

CASE #: SPRSS06019

CASE NAME: ESTATE OF KATHRYN L CAPPS

HEARING:
Hearing re Final Discharge

COUNSEL:
NANCY FRANICH (PET)...MORGAN, FRANICH, FREDKIN & MAR
KATHRYN L CAPPS (DEC)...

GENERAL INFORMATION:
Order for Final Final Distribution granted on 10/7/05

THIS CASE IS SET FOR HEARING ON filing receipts/final discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED;
1. Need to file receipts and submit final discharge declaration.

RECOMMENDATION:
Find out status.